

EXHIBIT R

In the Matter Of:

HAYSE vs CITY OF MELVINDALE, ET AL.
LIEUTENANT MICHAEL L. WELCH, JUNIOR

March 28, 2018

Prepared for you by



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WELCH, JUNIOR, LIEUTENANT MICHAEL L.
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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MICHIGAN</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CHAD HAYSE,</p> <p>6 Plaintiff,</p> <p>7 -vs- Case No.: 17-cv-13294</p> <p>8 CITY OF MELVINDALE, a political Hon. Linda V. Parker</p> <p>9 Subdivision of the State; Mag. Elizabeth A. Stafford</p> <p>10 MELVINDALE CITY COUNCIL, a</p> <p>11 legislative body of the City of</p> <p>12 Melvindale; NICOLE BARNES,</p> <p>13 WHEELER MARSEE, MICHELLE SAID</p> <p>14 LAND, DAVE CYBULSKI, CARL</p> <p>15 LOUVET, and STEVEN DENSMORE,</p> <p>16 individuals, sued in their</p> <p>17 official and personal capacities,</p> <p>18 Defendants.</p> <p>19 ~~~~~/</p> <p>20 DEPONENT: LIEUTENANT MICHAEL L. WELCH, JUNIOR</p> <p>21 DATE: Wednesday, March 28, 2018</p> <p>22 TIME: 10:04 a.m.</p> <p>23 LOCATION: Deborah Gordon Law</p> <p>24 33 Bloomfield Hills Parkway, Suite 220</p> <p>25 Bloomfield Hills, Michigan</p> <p>REPORTER: John J. Slatin, RPR, CSR-5180</p> <p>Certified Shorthand Reporter</p> <p>(Appearances listed on page 2)</p>	<p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4</p> <p>5 LIEUTENANT MICHAEL L. WELCH, JUNIOR</p> <p>6</p> <p>7 Examination by Ms. Gordon 4</p> <p>8 Examination by Ms. Balian 149</p> <p>9 Re-Examination by Ms. Marzotto Taylor 205</p> <p>10 Re-Examination by Ms. Balian 217</p> <p>11 Re-Examination by Ms. Marzotto Taylor 225</p> <p>12</p> <p>13 EXHIBITS (Attached): IDENTIFIED</p> <p>14</p> <p>15 Exhibit 1 Letter from City of 119</p> <p>16 Melvindale Public Safety</p> <p>17 Commission dated 1-11-18</p> <p>18 with attachment</p> <p>19 Exhibit 2 Letter from McDaniel dated 159</p> <p>20 9-21-16</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 DEBORAH L. GORDON (P27058)</p> <p>4 ELIZABETH MARZOTTO TAYLOR (P82061)</p> <p>5 Deborah Gordon Law</p> <p>6 33 Bloomfield Hills Parkway, Suite 220</p> <p>7 Bloomfield Hills, Michigan 48304</p> <p>8 (248) 258-2500</p> <p>9 dgordon@deborahgordonlaw.com</p> <p>10 emarzottotaylor@deborahgordonlaw.com</p> <p>11 Appearing on behalf of the Plaintiff.</p> <p>12</p> <p>13 MELINDA BALIAN (P55744)</p> <p>14 Foley & Mansfield, PLLP</p> <p>15 130 E. Nine Mile Road</p> <p>16 Ferndale, Michigan 48220</p> <p>17 (248) 721-8183</p> <p>18 mbalian@foleymansfield.com</p> <p>19 Appearing on behalf of the Defendants.</p> <p>20</p> <p>21 ALSO PRESENT: Chad Hayse</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Wednesday, March 28, 2018</p> <p>2 Bloomfield Hills, Michigan</p> <p>3 10:04 a.m.</p> <p>4 * * *</p> <p>5 LIEUTENANT MICHAEL L. WELCH, JUNIOR,</p> <p>6 having been first duly sworn, was examined and testified</p> <p>7 as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MS. GORDON:</p> <p>10 Q. I'll call you "Lieutenant" for the record.</p> <p>11 A. Okay.</p> <p>12 Q. Hi, Lieutenant. I'm Deborah Gordon. We met a few</p> <p>13 minutes ago this morning. As you know, I represent Chad</p> <p>14 Hayse.</p> <p>15 If you don't understand my questions, if you want</p> <p>16 me to repeat or rephrase, just let me know; okay?</p> <p>17 A. Yes.</p> <p>18 Q. If you need something -- you know, a question restated,</p> <p>19 just want to be sure that you understand what you're</p> <p>20 being asked and you have a chance to give your answer;</p> <p>21 okay?</p> <p>22 A. Okay. Yes.</p> <p>23 Q. All right. So, what is your current status</p> <p>24 employment-wise today?</p> <p>25 A. Today, I'm considered an inactive employee. I was</p>

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<p style="text-align: right;">Page 5</p> <p>1 employed as a lieutenant with the Melvindale Police 2 Department. We have the option to use accrued sick and 3 vacation time towards our retirement. I took that 4 option earlier in the year. January 2nd was the last 5 day that I was on the schedule, and they just pay me 6 every two weeks of my accrued time. 7 Q. Okay. And then will there come a time when you're 8 retired? 9 A. My retirement date is August 30th of this year. 10 Q. Okay. So, August 30, '18? 11 A. Yes. 12 Q. And then you'll begin drawing your retirement benefits? 13 A. Yes. 14 Q. Do you intend to seek other employment at some point, or 15 you're going to be retired from work? 16 A. I don't have any plans as of yet. 17 Q. Okay. When did you become employed by the City of 18 Melvindale? 19 A. June of 1998. 20 Q. And when did you first become a police officer? 21 A. I started with the Wayne County Sheriff's Department in 22 April of 1992. 23 Q. Okay. Were you right out of the academy at that time? 24 A. Well, I hired in originally as a jailer, and then I 25 worked in the jails for about three years, and then the</p>	<p style="text-align: right;">Page 7</p> <p>1 I think, for most of 2010. 2 Q. Okay. And what's the next thing that happened with 3 regard to your duties? 4 A. I was back on road patrol. 5 Q. Okay. 6 A. And then a spot opened back up, I believe, end of 2011, 7 and I returned to the detective bureau. 8 Q. Who were you reporting to at that time? Who was your 9 boss? 10 A. Chad Hayse. 11 Q. Okay. And how long then were you in the detective 12 bureau at that point? 13 A. Got promoted to sergeant -- I believe it was in 2012. 14 Q. Okay. 15 A. And then I went back to the road patrol. 16 Q. As a sergeant? 17 A. Yes. 18 Q. Were you on the road as a sergeant? 19 A. Part of my duties was the road and some of them were the 20 desk, depending on the staffing that day. 21 Q. Okay. And how long were you in that position as 22 sergeant? 23 A. I think I was a sergeant for two, two and a half years 24 maybe. 25 Q. Then what happened?</p>
<p style="text-align: right;">Page 6</p> <p>1 sheriff's department put me through their academy. 2 Q. Okay. And did you actually -- were you a deputy for the 3 Wayne County Sheriff's Department? 4 A. Yes. 5 Q. Okay. And then when did you move to Melvindale? '98? 6 A. To reside there or work there? 7 Q. To work there. 8 A. In June of '98 is when I started with Melvindale. 9 Q. Okay. And what was your rank when you joined the force? 10 A. Patrolman. 11 Q. And who was the chief at that time? 12 A. John Difatta. 13 Q. So, what was the next change in rank that you had? 14 A. 2006, I obtained the position in the detective bureau. 15 Q. What title goes with that? Detective? 16 A. Detective, yes. 17 Q. Okay. And prior to that, were you a patrol officer? 18 A. Yes. 19 Q. Okay. And who was chief at that time? 20 A. Rick Cadez. 21 Q. Spell that last name, if you would. 22 A. C-a-d-e-z. 23 Q. Okay. And how long were you in the detective bureau? 24 A. 2006 through, I believe, the end of 2009. They had to 25 shuffle some people around, so I went back on the road,</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I was promoted to lieutenant. 2 Q. What was the process to become promoted to lieutenant? 3 Were you recommended? Was -- 4 A. Well, no. What -- how it worked out is, normally 5 there's the testing procedure. But if there's no one 6 eligible to be promoted at that time, depending on where 7 you were at, they would automatically promote that 8 person. 9 So, because of contractual circumstances, I was 10 promoted to lieutenant at that time. 11 Q. Okay. And that was in 2012? 12 I'm sorry. I missed the year. 13 You were promoted to sergeant in 2012, back to road 14 patrol. 15 So, what was the year for lieutenant? 16 A. Had to have been closer to '14, though. 17 I can't think of it off the top of my head. 18 Q. Okay. Fair enough. 19 And were there other lieutenants in the department 20 at that time? 21 A. Yes. 22 Q. And who else was a lieutenant at that time? 23 A. At the time that I was promoted? 24 Q. Yes. 25 A. John Bajorek, Don Meador -- that replaced Bill Clemens.</p>

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<p style="text-align: right;">Page 9</p> <p>1 So, I'm trying to think who the other person was.</p> <p>2 It's escaping me at the moment. If you want to let me</p> <p>3 think about it.</p> <p>4 Q. Okay. Maybe you'll think about it later. Maybe it will</p> <p>5 come to mind.</p> <p>6 A. Okay.</p> <p>7 Q. And you --</p> <p>8 A. Oh, I'm sorry.</p> <p>9 Q. Go ahead.</p> <p>10 A. John Allen.</p> <p>11 Q. Oh, yeah. Okay.</p> <p>12 A. Right.</p> <p>13 Q. So, you held the rank of lieutenant until the time you</p> <p>14 went out on leave, as you've already described?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What's your educational background?</p> <p>17 A. I've got -- I graduated from Huron High School in New</p> <p>18 Boston, and I achieved a two-year degree from Henry Ford</p> <p>19 Community College in criminal justice.</p> <p>20 Q. Okay. And you're married?</p> <p>21 A. Yes.</p> <p>22 Q. How long have you been married?</p> <p>23 A. Fifteen years.</p> <p>24 Q. Children?</p> <p>25 A. Two.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. And you were overseeing officers who were doing</p> <p>2 the day-to-day work on putting together those</p> <p>3 investigations?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And then would you assist in making decisions as</p> <p>6 to whether or not the case should be moved to the</p> <p>7 prosecutor?</p> <p>8 A. If the detectives needed any insight on the case or</p> <p>9 requested anything from me, I would get that to them,</p> <p>10 yes.</p> <p>11 Q. Okay. And during that time period, did the lieutenants</p> <p>12 meet with the chief on any kind of a regular basis?</p> <p>13 A. Occasionally, we would have staff meetings with the</p> <p>14 lieutenants, yes.</p> <p>15 Q. Okay. And how did you get along with the other</p> <p>16 lieutenants at that time?</p> <p>17 A. Good.</p> <p>18 Q. Okay. And then at another point in time, you were a</p> <p>19 lieutenant with regard to road patrol?</p> <p>20 A. Yes.</p> <p>21 Q. So, tell me your duties there.</p> <p>22 A. The road patrol lieutenant worked the front desk. They</p> <p>23 handled answering the phones. They dispatched cars.</p> <p>24 They monitored the jail. And they approved reports.</p> <p>25 They did the scheduling, filled any overtime that was --</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. What were the duties when you were a lieutenant?</p> <p>2 What were your duties, you and the other</p> <p>3 individuals who held that rank?</p> <p>4 A. As a -- as a road lieutenant or as a lieutenant in the</p> <p>5 detective bureau?</p> <p>6 I started off as a road patrol lieutenant.</p> <p>7 Q. All right. Let me ask you this. You've given me the</p> <p>8 names of the lieutenants.</p> <p>9 Did you each have different assignments?</p> <p>10 A. There -- at the time, there were three road patrol</p> <p>11 lieutenants, one for each shift, and there was a</p> <p>12 lieutenant in charge of the detective bureau.</p> <p>13 Q. Okay. So, were you a lieutenant in charge of the</p> <p>14 detective bureau at some point?</p> <p>15 A. Just before I left, the last year of my employment.</p> <p>16 Q. Okay. And what did you do in that role?</p> <p>17 A. I oversaw the detectives working under me, supervised</p> <p>18 their cases, did some FOIAs, pretty much anything that</p> <p>19 needed to be done. Assist the chief.</p> <p>20 Q. How many detectives reported to you?</p> <p>21 A. At that time, two.</p> <p>22 Q. So, were you involved in investigations --</p> <p>23 A. Yes.</p> <p>24 Q. -- that were being handled by the department?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 needed to be filled.</p> <p>2 Q. Okay.</p> <p>3 A. Released vehicles at the desk, took the initial walk-in</p> <p>4 complaints from people coming in.</p> <p>5 Q. Okay. And you did all that?</p> <p>6 A. Yes.</p> <p>7 Q. And you had officers reporting to you?</p> <p>8 A. Yes.</p> <p>9 Q. As far as you know, up until 2015, had there been any</p> <p>10 performance problems of any significance with regard to</p> <p>11 your role at the department?</p> <p>12 A. I did have some issues with a couple of officers, yes.</p> <p>13 Q. Okay. Anything that you were disciplined for?</p> <p>14 A. That I was disciplined for?</p> <p>15 Q. Yes. Yes. Anything that you received discipline for?</p> <p>16 A. No.</p> <p>17 Q. Okay. So, as of 2015, you had a good record.</p> <p>18 Would that be fair to say?</p> <p>19 A. I had never been even late for work.</p> <p>20 Q. Okay. So, as of 2015, you had an excellent record,</p> <p>21 then, as far as you were aware, with the department?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Okay. No disciplines on your record, just to</p> <p>24 clarify that?</p> <p>25 A. I had never been disciplined.</p>

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<p style="text-align: right;">Page 13</p> <p>1 I think Chief Difatta talked to me one time about</p> <p>2 accidentally damaging a car back in 2000, maybe, but</p> <p>3 that's the only time I had been brought into the chief's</p> <p>4 office to talk about anything.</p> <p>5 Q. Anybody ever accused you of lying?</p> <p>6 A. No.</p> <p>7 Q. Did you feel you got along with your fellow officers for</p> <p>8 the most part?</p> <p>9 A. For the most part, yes.</p> <p>10 Q. Okay. What is a citizen complaint as you came to</p> <p>11 understand it in your role as a lieutenant?</p> <p>12 A. The process for a citizen complaint is if someone comes</p> <p>13 into the station, they would speak with the supervisor</p> <p>14 on duty. They're required to fill out a written form.</p> <p>15 And normally how that works is, the complaint is then</p> <p>16 forwarded to the chief for the chief to review.</p> <p>17 If they believe -- if they look into it and they</p> <p>18 believe it's warranted at the time, it would be turned</p> <p>19 over to the detective bureau, the lieutenant in the</p> <p>20 detective bureau, to conduct an investigation.</p> <p>21 Q. Did that happen from time to time while you were with</p> <p>22 the department?</p> <p>23 A. Yes.</p> <p>24 Q. And there were investigations?</p> <p>25 A. Yeah. There's always something going on.</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Probably 2015.</p> <p>2 Q. Okay. And what were the circumstances as best you can</p> <p>3 recall?</p> <p>4 A. I was working the front desk, and I heard Officer Furman</p> <p>5 call for another car.</p> <p>6 I believe it was Officer Hinojosa went to respond.</p> <p>7 Before he got there, he cancelled the backup car.</p> <p>8 Q. Furman did?</p> <p>9 A. Yes.</p> <p>10 Apparently what had happened was he pulled this</p> <p>11 lady over for not having insurance. He was going to tow</p> <p>12 the car for same, and the tow truck arrived. The lady</p> <p>13 had a young infant in a carrier in the car. This was on</p> <p>14 Schaefer Road, near 75. High traffic area, industrial,</p> <p>15 right next to a refinery.</p> <p>16 She told Officer Furman that she had a ride coming,</p> <p>17 and she didn't want to take her baby out in traffic.</p> <p>18 He told her to get out of the vehicle immediately.</p> <p>19 She refused. And then he drug her out of the car, threw</p> <p>20 her on the ground and towed the car.</p> <p>21 Q. Okay. And what's -- so this is what you were told --</p> <p>22 did she come into the station then?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. She came into the station. She was very irate, very</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. And then after the investigation, what would be</p> <p>2 the next step?</p> <p>3 A. The chief would decide whether or not the complaint is</p> <p>4 credible. They would probably interview the witness</p> <p>5 again. And if the officer did something wrong, then the</p> <p>6 chief would dole out whatever measures or punishment</p> <p>7 necessary.</p> <p>8 Q. Okay. Do you remember being involved in any such</p> <p>9 investigations of citizen complaints?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. What do you recall?</p> <p>12 A. I dealt with quite -- a couple of instances with Officer</p> <p>13 Furman and excessive use of force.</p> <p>14 Q. These were after citizen complaints had been made to the</p> <p>15 department and then they worked their way to you?</p> <p>16 A. Well, some were citizen complaints and some were</p> <p>17 complaints by other officers.</p> <p>18 Q. Okay. So, let's start with the citizen complaints. I</p> <p>19 want to just get the process of what happens.</p> <p>20 So, what was -- what's the first thing you remember</p> <p>21 about Officer Furman and a citizen complaint?</p> <p>22 A. I had one citizen complaint where a lady came into the</p> <p>23 station accusing Officer Furman of throwing her on the</p> <p>24 ground.</p> <p>25 Q. Okay. Do you remember when that was?</p>	<p style="text-align: right;">Page 16</p> <p>1 upset. I told her she needed to fill out a form because</p> <p>2 that was the procedure that we did, and she refused.</p> <p>3 I passed this information on to Chad Hayse. He was</p> <p>4 able to get a hold of her and get a statement from her.</p> <p>5 Q. Do you know why she refused? Did she explain that?</p> <p>6 A. She didn't explain why. She was highly upset, crying</p> <p>7 and screaming.</p> <p>8 Q. Okay.</p> <p>9 A. I couldn't get her to calm down. She stormed out.</p> <p>10 Q. Okay. So, what's the next thing that was your</p> <p>11 involvement in that?</p> <p>12 Chad Hayse got a hold of her, and then what</p> <p>13 happened?</p> <p>14 A. Well, it was just one of several incidents right around</p> <p>15 that time when we were dealing with him using excessive</p> <p>16 force.</p> <p>17 It got to a point where he was being investigated</p> <p>18 for assaulting another person, and it had been turned</p> <p>19 over to the state police. And I don't know if it was</p> <p>20 that instance or the instance where he tackled a guy in</p> <p>21 his house that he -- it was determined that he was going</p> <p>22 to be suspended and taken off until they could figure</p> <p>23 out what to do with him.</p> <p>24 Q. Okay. So, you've got the one woman.</p> <p>25 Do you happen to recall whether her name was</p>

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1 Henderson?

2 A. I just remember she was a short white female.

3 Q. Okay.

4 A. I don't remember her name, no.

5 Q. Okay. And then you said he assaulted another person.

6 What were you referring to there?

7 What's your recollection?

8 A. There was an incident where a guy was running on foot

9 from officers, that he was possibly a B&E suspect. And

10 Officer Furman slammed his head into the door -- the

11 inside door of a patrol car in front of Lieutenant

12 Allen.

13 Q. And what was your role in that?

14 A. I didn't really have much of a role in that because that

15 was -- that was with Lieutenant Allen, since he was

16 present at the time.

17 I know that he insisted that something be done and

18 insisted to turn that over to the state police.

19 Q. Lieutenant Allen did?

20 A. Yes.

21 Q. Did he discuss that with you?

22 A. I just heard bits and pieces. I wasn't directly

23 involved.

24 I think there was communication between Chad Hayse

25 and John Allen, and they agreed to turn it over to the

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1 State.

2 Q. Okay. And do you know whether it was turned over to the

3 State?

4 A. Yes. They interviewed me on it.

5 Q. Who did?

6 A. The State.

7 Q. Do you remember who it was?

8 A. I don't know her last name. Her first name is Sunshine.

9 Q. Okay. And she asked you about the circumstances of the

10 event and so on, and what you knew?

11 A. Yeah.

12 Q. Do you remember when that was, roughly?

13 A. I believe it was in 2015 also.

14 Q. Do you know what became of that?

15 A. I think they weren't able to get a hold of the guy or

16 they weren't able to find him.

17 Q. Oh.

18 A. I think that's why the case never went anywhere.

19 Q. Okay. In other words, the person who had been slammed

20 into the -- his head had been slammed into the car, the

21 state police, as far as you understood it, were not able

22 to get a hold of him?

23 A. Right. I don't think the case went anywhere.

24 Q. Okay. Okay. What else with regard to Furman and this

25 issue of citizen complaints and excessive force?

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1 A. There was -- there was another issue right around the

2 same time. Officer Ginther, Officer Lane and Officer

3 Furman were dispatched to a house in the city. It was

4 reported that the gentleman in the house was threatening

5 his, I believe, sister with a knife down in the

6 basement.

7 Officers arrived at the scene. They talk him out

8 of the basement. He comes up empty-handed. He does not

9 have a weapon on him. They had him at gunpoint.

10 Officer Lane is the training officer. Officer

11 Ginther is the trainee. Officer Furman was behind them.

12 They were ordering him to the ground, and he was

13 complying. Officer Furman holstered his gun, pushed

14 past Officer Ginther and football tackled the guy and

15 drove his --

16 Q. What does that mean? Can you explain that to us?

17 A. Forcibly tackled and knocked him into the ground.

18 The guy was complying with the officer's commands.

19 Q. Okay. So, what became of that one?

20 A. Officer Lane and Officer -- Officer Lane approached me

21 about the incident, and I think I spoke to Officer

22 Ginther briefly. I told them that I wanted written

23 statements about the incident, and I forwarded them to

24 Chad Hayse.

25 Q. You did obtain written statements?

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1 A. Yes.

2 Q. Do you remember what year this was?

3 A. I believe it was in 2015.

4 Q. Okay. By this time in 2015 --

5 A. Let me correct it.

6 Q. Go ahead.

7 A. It might have been earlier in '16.

8 Q. Okay. So, by this time, you had observed or became

9 aware of several instances where Furman, it appeared,

10 may have used excessive force.

11 Do I have that right?

12 A. Yes.

13 Q. Was that unusual from what you observed of the other

14 officers in the department?

15 A. Was his use of force more than others?

16 Q. Different. Yes.

17 A. Yes.

18 Q. Okay. When did you first meet Furman?

19 A. He had been an officer on my shift. I think I was his

20 supervisor as a sergeant for a short time, and he was on

21 day shift as -- when I was a lieutenant for most of the

22 time that I worked the desk.

23 Q. Okay. And did you -- were you ever at a point when you

24 were friendly with him or had a cordial relationship?

25 I don't know how that works in --

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<p>1 A. Yeah. We -- I think we got along pretty well until I 2 had to write him up. 3 Q. Okay. And what did you write him up for? 4 A. Well, I forwarded the information for -- about the 5 excessive use of force to the chief. So, I think he 6 felt I was responsible for his problems. 7 Q. And then what happened? 8 A. Stopped talking to me and, you know, ignoring me and 9 whatnot. 10 So, I think I was the bad guy after that. 11 Q. Okay. So, what did you observe about Furman's 12 personality by 2015-16? 13 Describe his personality vis-à-vis his role as a 14 police officer from what you observed in the department. 15 A. Well, he was difficult to supervise because he would not 16 take responsibility for anything that he did. His 17 normal response to any criticism was to deflect and to 18 deny. So, he put good effort into whatever task he was 19 assigned, but he would not accept responsibility if 20 something went wrong. 21 Q. Did you observe an attitude in him where he believed he 22 was more correct than command? 23 A. Well, he -- 24 Q. Or justified in what he had done? 25 A. Well, he always had -- like I had said, he would deflect</p>	<p>1 I think I put an honest effort in to try and coach 2 him and counsel him and try and step back and look at 3 things in a different light, but he didn't want to hear 4 it. 5 Q. Okay. Did you have a shift you typically worked? 6 A. As a lieutenant on the -- as a road lieutenant, I worked 7 day shift, from 8:00 to 4:00. 8 Q. Who was the city's towing contractor when you joined the 9 City? 10 A. When I first started, it was Howard's Towing. Back in 11 '98, it was Howard's Towing. 12 Q. Okay. What was the next company that you recall? 13 A. It was Brothers Four, but they were actually the prior 14 people. They changed the name of the tow company. I 15 think they went out of business and came back as 16 Brothers Four. 17 Q. It was actually Howard's but the new name? 18 A. Yeah. Same people. Same family. 19 Q. Okay. What was the next towing company you recall? 20 A. Gene's Towing. 21 Q. Okay. And then Goch comes after Gene's; correct? 22 A. Yes. 23 Q. Okay. So, as I understand it from this case, I don't 24 know if you're aware of this or not, but when Gene's 25 Towing had the contract, they collected money directly</p>
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<p>1 or deny any fault in anything. It didn't matter what it 2 was. 3 So, you could tell him, "Hey, you messed this up," 4 and he would grumble and walk away and, you know, he 5 knew better. So, in some aspects, he was difficult, 6 especially when it came to criticism -- constructive 7 criticism or trying to get him to do something he didn't 8 want to do. 9 Q. Did he seem to have -- I'll use the word "arrogant" -- 10 an arrogant personality, or is there a different way you 11 would describe it? 12 A. He had issues with talking to people. People would 13 complain that he was talking down to them. 14 Q. You mean citizens? 15 A. Citizens, yeah. 16 Q. Okay. And you became aware of that? 17 A. Yes. 18 Q. So, did you discuss your concerns about Furman? 19 I mean, you've talked about some complaints you 20 actually had to write up. 21 Did you discuss with the chief or the other 22 lieutenants your concerns about Furman or the chief's 23 concerns about Furman? 24 A. We have had conversations with the chief and with other 25 lieutenants.</p>	<p>1 from the individuals whose cars they towed? 2 A. Yes. I was -- I worked the desk at that time. So, what 3 would happen then with Gene's, when someone would come 4 and get their vehicle out, they would pay the police 5 department for the storage because we maintained the 6 lot, and then the driver of the vehicle or the vehicle 7 owner would have to square up with the Gene's driver in 8 the lot. And then the Gene's driver would take them to 9 our lot and release their vehicle to them. 10 Q. Okay. And do you recall what the fee was for towing at 11 that time? 12 A. I think it was \$100. 13 Well, it started at \$60-something, and then I think 14 at the end, while Gene's was still there, I think it was 15 up to \$100. 16 Q. And that's what the driver would pay to Gene's? 17 A. The vehicle owner would pay Gene's the \$100. And 18 whatever storage had accrued, they would pay us. 19 Q. Pay the City? 20 A. Right. 21 So, they would come in. They would get their 22 vehicle out. We would give them a receipt, showing that 23 they paid the storage. And then the tow driver would 24 meet them in the parking lot. They would show them the 25 receipt that they paid up with us, and then they would</p>

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<p style="text-align: right;">Page 25</p> <p>1 pay their tow bill, and then they would release the</p> <p>2 vehicle for them.</p> <p>3 Q. Okay. Now, with regard to road patrol officers whom you</p> <p>4 supervised, what were their day-to-day duties out on the</p> <p>5 road?</p> <p>6 A. They were -- they were on patrol in the neighborhood and</p> <p>7 the side streets, working traffic, responding to calls</p> <p>8 for service.</p> <p>9 Q. Tell me how they were assigned; if they were.</p> <p>10 So, you've got a shift. You're there --</p> <p>11 A. Well --</p> <p>12 Q. -- on days.</p> <p>13 A. -- oftentimes on dayshift, I've only got two guys on the</p> <p>14 road.</p> <p>15 Q. Okay.</p> <p>16 A. So, they're running -- a lot of times they may be</p> <p>17 running from call to call or, you know, on a traffic</p> <p>18 stop. It all depends on how the day plays out.</p> <p>19 Q. Well, so give me an example.</p> <p>20 I've had cases with other police departments where</p> <p>21 people have a particular geographic area --</p> <p>22 A. Right.</p> <p>23 Q. -- of town.</p> <p>24 A. Well, there's -- technically there's an A zone and a B</p> <p>25 zone, but I didn't typically enforce A zone, B zone</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Okay.</p> <p>2 A. It was an assault in progress or a possible felony, any</p> <p>3 assaultive thing, I would send both officers.</p> <p>4 Q. Okay.</p> <p>5 A. It depends on the call.</p> <p>6 Q. And if the officers were not taking calls and reacting</p> <p>7 to the calls, what were they to be doing during the day?</p> <p>8 A. Patrolling and doing traffic enforcement.</p> <p>9 Q. Okay. And was there a system of keeping track of</p> <p>10 citations that were issued and that type of thing?</p> <p>11 A. Well, the -- early on we had a written log that you</p> <p>12 would turn in at the end of the month, and there's also</p> <p>13 a daily that you would turn in every day.</p> <p>14 When we came into the newer computer system, that</p> <p>15 kind of eliminated the daily logs because everything was</p> <p>16 logged on the computer. So, all your traffic stops, all</p> <p>17 your calls that you went on, you would be able to review</p> <p>18 everything the officer did that day or everything that</p> <p>19 the shift did that day.</p> <p>20 Q. And did you review that as a lieutenant or --</p> <p>21 A. From time to time, yes.</p> <p>22 Q. And your goal was what? To see what kind of activity</p> <p>23 was occurring?</p> <p>24 A. Yeah. Productivity.</p> <p>25 And it was also my job to approve the police</p>
<p style="text-align: right;">Page 26</p> <p>1 because the city is small enough that I don't think it</p> <p>2 really matters. It's not like a big town that's</p> <p>3 20-square miles, where you're going to have three or</p> <p>4 four guys piled up in one corner of the town. You can</p> <p>5 get anywhere the city within 2 or 3 minutes tops.</p> <p>6 Q. How big is the city?</p> <p>7 A. 2.7 square miles.</p> <p>8 Q. Okay. All right. So, you would have two cars out</p> <p>9 there?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And how many calls a day, just a range?</p> <p>12 A. It could be anything from five or six calls to 15.</p> <p>13 It -- you never know what the day is going to play</p> <p>14 out to be.</p> <p>15 Q. So, then what was the process?</p> <p>16 A call would come in and --</p> <p>17 A. A call would come in. I would take the information. I</p> <p>18 would enter it in the computer. While I was entering in</p> <p>19 the computer, I would get on the radio and I would</p> <p>20 dispatch the officers to that call.</p> <p>21 Q. Okay. Would you dispatch one of the officers, both of</p> <p>22 the officers?</p> <p>23 A. It depended on the call. If it was just a general</p> <p>24 assistance call or backing the rescue or taking a</p> <p>25 larceny report or whatnot, I would send one.</p>	<p style="text-align: right;">Page 28</p> <p>1 reports that were written on my shift also. So, I would</p> <p>2 review those reports and approve them or send them back</p> <p>3 for clarification or correction.</p> <p>4 Q. Okay. So, if you don't mind, walk me through a traffic</p> <p>5 stop.</p> <p>6 I'm just out on patrol. I'm an officer. I see</p> <p>7 somebody that's speeding.</p> <p>8 What the protocol?</p> <p>9 A. Well, normally what will happen is, the officer will get</p> <p>10 behind the vehicle and run the plate, double-check to</p> <p>11 make sure whether or not the vehicle is stolen or not or</p> <p>12 wanted or the driver is wanted.</p> <p>13 They would log the location of the stop into the</p> <p>14 computer. It would come up on the dispatch CAD screen,</p> <p>15 and I would know that -- where the officer was and that</p> <p>16 they were on a traffic stop.</p> <p>17 Officer would approach the vehicle, make contact</p> <p>18 with the driver, get their information, decide whether</p> <p>19 or not they were going to issue a violation and send</p> <p>20 them on their way, and then they would clear the call in</p> <p>21 the computer.</p> <p>22 Q. Okay. And what if a warrant for an arrest came up on</p> <p>23 the computer in the vehicle at the time of the stop?</p> <p>24 A. Well, a lot would depend on the warrant itself.</p> <p>25 Say, for instance, if the person had Detroit</p>

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<p style="text-align: right;">Page 29</p> <p>1 traffic warrants, they would advise them of them because</p> <p>2 Detroit won't take them. They won't accept people with</p> <p>3 just traffic warrants normally.</p> <p>4 Q. Okay.</p> <p>5 A. Sometimes it's even a struggle to get them to take</p> <p>6 someone with a felony.</p> <p>7 Q. Okay.</p> <p>8 A. If there are warrants, they're supposed to bring them in</p> <p>9 because that's outstanding warrants for our department.</p> <p>10 Q. Okay.</p> <p>11 A. If it's another municipality in the area, what the</p> <p>12 officer would do was send me the warrant over CAD, and I</p> <p>13 would contact the department to see whether or not they</p> <p>14 wanted to pick them up or meet on the road someplace to</p> <p>15 turn them over.</p> <p>16 Q. Is that typically what happened then? They would meet</p> <p>17 you or you -- they'd pick them up?</p> <p>18 A. Or they would come right to the station to pick them up,</p> <p>19 yes. That's what they're supposed to do.</p> <p>20 Q. So, am I correct that is the protocol for a police</p> <p>21 officer, if there's an outstanding warrant, to -- I</p> <p>22 don't know if the person is actually arrested but</p> <p>23 they're picked up or brought back to the station?</p> <p>24 A. Unless there are some extenuating circumstances -- I</p> <p>25 mean, if you pulled somebody over and they had a</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yeah. It would take the officer maybe 15, 20 minutes to</p> <p>2 do, because they're turning the person over and just</p> <p>3 putting them in the jail, and I would monitor them from</p> <p>4 there.</p> <p>5 Q. Did you ever learn whether there was any revenue</p> <p>6 generated for the City by writing traffic citations for</p> <p>7 moving violations?</p> <p>8 In other words, you get a speeding ticket, you go</p> <p>9 to district court.</p> <p>10 Is there any money that comes back to the City from</p> <p>11 that; if you know?</p> <p>12 A. If I recall, I believe a third of the cost of the</p> <p>13 citation comes back to the City. There's a split</p> <p>14 between -- the court gets a piece, and we share a court</p> <p>15 with Allen Park, so they -- it all goes like into a</p> <p>16 kitty and everyone gets a chunk. So, a third, third,</p> <p>17 and a third.</p> <p>18 That's the way it was explained to me.</p> <p>19 Q. Okay. And up until 2015 -- well, strike that.</p> <p>20 So, Matthew Furman was a road patrol officer -- is</p> <p>21 that correct -- during the time you were with the</p> <p>22 department?</p> <p>23 A. Yes.</p> <p>24 Q. And he was to take calls and do traffic?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 30</p> <p>1 couple -- they had a warrant for a speeding ticket and</p> <p>2 they just had surgery or there's obviously something</p> <p>3 wrong with them that you would not be able to lodge them</p> <p>4 safely, you know, then you would use your discretion and</p> <p>5 let them go and advise them of the warrant.</p> <p>6 Q. Otherwise it's your duty to take the person into custody</p> <p>7 or turn them over to another municipality?</p> <p>8 A. At least have the person on the desk inquire with the</p> <p>9 department that holds the warrant to see if they want</p> <p>10 them. You should do that.</p> <p>11 Q. Okay. And if it's a Melvindale warrant?</p> <p>12 A. Unless there's extenuating circumstances, you should</p> <p>13 bring them in.</p> <p>14 Q. So, that means that if an officer is out on the road and</p> <p>15 has stopped somebody for a traffic violation, a warrant</p> <p>16 comes up, as an officer, I would give the driver the</p> <p>17 citation and then bring the individual into the station?</p> <p>18 A. Yeah, bring them in, process them. We would make</p> <p>19 arrangements to try and let them call for a bond and</p> <p>20 then go from there.</p> <p>21 If it's early in the day, we would probably get</p> <p>22 them in front of the judge. If it's later in the day,</p> <p>23 they would have to wait until the next morning.</p> <p>24 Q. Okay. And then the officer would turn around and go</p> <p>25 back out on the road?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. And could the officers decide where they wanted to</p> <p>2 patrol vis-à-vis traffic?</p> <p>3 A. Unless there was -- yes.</p> <p>4 Unless there was something going on where I needed</p> <p>5 them to have visual presence in the area, I let them</p> <p>6 patrol where they wanted.</p> <p>7 Q. Okay. And prior to 2015, what was the procedure from</p> <p>8 your end as a lieutenant with regard to impounding</p> <p>9 vehicles by the road patrol?</p> <p>10 A. What would happen is the -- the road officer would call</p> <p>11 on the radio and say they were towing a vehicle for</p> <p>12 whatever reason. I would contact the tow company. The</p> <p>13 tow company would respond and tow the vehicle.</p> <p>14 The tow driver would come in, after putting the</p> <p>15 vehicle in the impound, and give me the keys for the</p> <p>16 vehicle, and we had a carbon copy slip with the vehicle</p> <p>17 information on it. I would keep a copy, and I would</p> <p>18 give a copy to the driver for their records.</p> <p>19 Q. Okay. And what would be the reasons that a car would be</p> <p>20 impounded at the scene, as you understood it as a</p> <p>21 lieutenant?</p> <p>22 A. If that person was under arrest, if they had a suspended</p> <p>23 license, no insurance, you know, a traffic misdemeanor</p> <p>24 or an arrest for OWI.</p> <p>25 Q. Okay. So, if you had no proof of insurance with you,</p>

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<p style="text-align: right;">Page 33</p> <p>1 was that an automatic tow or --</p> <p>2 A. Well, no proof of insurance is a civil infraction.</p> <p>3 Q. Right.</p> <p>4 A. You would have to determine that they did not have</p> <p>5 insurance at all.</p> <p>6 Q. Okay. And could you do that from your vehicle?</p> <p>7 A. Well, if they presented -- say they presented a proof of</p> <p>8 insurance to you and it was expired, you could call the</p> <p>9 insurance company. They normally have a 1-800 number to</p> <p>10 verify whether they had coverage.</p> <p>11 Q. And did the officers typically do that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And prior to the beginning of 2015, what was your</p> <p>14 observation with regard to approximately how many cars</p> <p>15 were being impounded on any given shift or any given</p> <p>16 week, however you can think about it?</p> <p>17 A. Prior to 2015?</p> <p>18 Q. Right. Prior to Goch & Sons.</p> <p>19 A. I mean, it all depended. There could be five or six</p> <p>20 cars towed in a shift, or there could be none. It all</p> <p>21 depends on what's going on out there. If someone is out</p> <p>22 there actively enforcing traffic, there would be more</p> <p>23 vehicles towed. If the officers were tied up on cases</p> <p>24 and in the station doing paperwork and arrests, then</p> <p>25 maybe none.</p>	<p style="text-align: right;">Page 35</p> <p>1 A. He said that Mike Goch was his friend, and he was a</p> <p>2 really good guy.</p> <p>3 Q. Okay. And at that time, did you know Goch had a towing</p> <p>4 company?</p> <p>5 A. Yes. He introduced him as --</p> <p>6 Q. In that way?</p> <p>7 A. -- in that capacity, yes.</p> <p>8 Q. Okay. And any other way that you knew of Goch other</p> <p>9 than Easton bringing him into the station prior to the</p> <p>10 contract being entered into?</p> <p>11 A. I had seen him at a concert -- at a -- I don't know</p> <p>12 if -- I don't know if he had the contract yet.</p> <p>13 I had seen him at an AC/DC concert with Pat Easton.</p> <p>14 I don't know if it was June of 2015 yet or whether that</p> <p>15 was later. But I had seen them in public together,</p> <p>16 yeah.</p> <p>17 Q. Okay. Did he develop some relationships with -- that</p> <p>18 you ever observed with some city politicians or</p> <p>19 officials, anything like that?</p> <p>20 A. It seemed -- it seemed fairly apparent that he was</p> <p>21 friends with the city politicians. At one of the</p> <p>22 auctions after he got the contract, I observed Katie</p> <p>23 Pope, who is Mike Goch's girlfriend, approach Dave</p> <p>24 Cybulski and Wheeler Marsee and tell her -- tell them</p> <p>25 that they missed them at -- that they missed them at the</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Okay.</p> <p>2 MS. GORDON: Hang on one second, please.</p> <p>3 (Discussion held off the record.)</p> <p>4 BY MS. GORDON:</p> <p>5 Q. So, Goch & Sons took the contract over in 2015 for</p> <p>6 towing. I presume you're aware of that. Maybe you</p> <p>7 don't recall the exact date.</p> <p>8 A. It was June, maybe.</p> <p>9 Q. Okay.</p> <p>10 A. Okay.</p> <p>11 Q. Did you know of Goch & Sons?</p> <p>12 A. Yes, I knew of them.</p> <p>13 Q. How did you know of them?</p> <p>14 A. Because he had come -- he had been brought into the</p> <p>15 station by Pat Easton.</p> <p>16 Q. And who had been brought into the station?</p> <p>17 A. Mike Goch.</p> <p>18 Q. Okay. And what was that for?</p> <p>19 A. Introducing him to the guys.</p> <p>20 Q. Was this prior to the contract --</p> <p>21 A. Yes.</p> <p>22 Q. -- being signed?</p> <p>23 A. Yes, it was.</p> <p>24 Q. Was Easton a friend of Goch's, or how did it happen that</p> <p>25 they were in the station?</p>	<p style="text-align: right;">Page 36</p> <p>1 bar the night before and gave them hugs.</p> <p>2 So, I would assume they had a personal</p> <p>3 relationship, yes.</p> <p>4 Q. Meaning there had been a group at the bar the night</p> <p>5 before but those two had --</p> <p>6 A. I believe it was after a council meeting.</p> <p>7 MS. BALIAN: Objection as to what that meant.</p> <p>8 BY MS. GORDON:</p> <p>9 Q. Okay. So, the way you took it was "some of us were</p> <p>10 there, and we missed you last night"?</p> <p>11 A. Right. It appeared to me that they had a personal</p> <p>12 relationship.</p> <p>13 Q. Okay. Did you ever discuss Goch & Sons with the city</p> <p>14 manager Ortiz?</p> <p>15 A. Yes.</p> <p>16 Q. What was that discussion or discussions about?</p> <p>17 A. We had -- at one time, I remember we had had a</p> <p>18 conversation -- it was myself, Rich Ortiz and Chad Hayse</p> <p>19 in the chief's office, and it was before the time that</p> <p>20 the contract was awarded to Goch & Sons. Chad had done</p> <p>21 an investigation of both companies and went through our</p> <p>22 computer system and printed out all the complaints of</p> <p>23 the incidents that we had had with each company.</p> <p>24 Not too long prior to them getting the contract, we</p> <p>25 had arrested one of their drivers for assaulting someone</p>

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<p style="text-align: right;">Page 37</p> <p>1 in our city.</p> <p>2 Q. A Goch driver?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. And we had spoke to Rich about the incidents that we had</p> <p>6 had.</p> <p>7 Q. Rich Ortiz?</p> <p>8 A. Rich Ortiz.</p> <p>9 And over the years we had had some negative</p> <p>10 dealings with that tow company. Our motor carrier</p> <p>11 officer had towed numerous vehicles that they</p> <p>12 were towing, scrap cars, that they weren't licensed to</p> <p>13 do, and whatnot.</p> <p>14 So, we had had a little bit of a history with that</p> <p>15 company.</p> <p>16 And Chad tried to put forth an -- objective reasons</p> <p>17 why we should or should not take the -- go with that tow</p> <p>18 company.</p> <p>19 Q. To Ortiz?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. And I remember Rich saying that he thought that Mike was</p> <p>23 a good guy, that he had known him since high school, and</p> <p>24 he wasn't really concerned about it.</p> <p>25 Q. Okay. Was there ever any discussion after -- with Ortiz</p>	<p style="text-align: right;">Page 39</p> <p>1 vehicles that were towed, the City got a portion of it</p> <p>2 and the tow company got a portion of it.</p> <p>3 And when vehicles were auctioned off, the tow</p> <p>4 company got a percentage of the proceeds of the auction</p> <p>5 also.</p> <p>6 Q. That was different than previously?</p> <p>7 A. Right.</p> <p>8 And then we were on the hook for paying for the tow</p> <p>9 of the vehicle auctioned, regardless of what the cost</p> <p>10 was.</p> <p>11 I think at one time, we had a lady commit suicide</p> <p>12 by driving her vehicle into the Rouge River, and the tow</p> <p>13 company hit us for like \$1,500 fee to pull it out, and I</p> <p>14 thing we got \$150 for it at auction.</p> <p>15 Q. That was Goch?</p> <p>16 A. Yeah. We lost a lot of money on that one.</p> <p>17 Q. Okay.</p> <p>18 A. So --</p> <p>19 Q. Were you aware of the amount of revenue that the City</p> <p>20 was generating from the Goch tows?</p> <p>21 A. I didn't know the numbers, but -- I mean the exact money</p> <p>22 number, but I knew it was substantial because of the</p> <p>23 number of vehicles towed on a daily basis.</p> <p>24 Q. Were you aware that Goch was making very significant</p> <p>25 amounts of money every month on tows out of Melvindale?</p>
<p style="text-align: right;">Page 38</p> <p>1 after Goch came onboard with regard to -- I mean, it's</p> <p>2 already been established in this case what the towing</p> <p>3 numbers were and what the revenue was that the City was</p> <p>4 making, and we have documents that show \$20,000 a month</p> <p>5 was coming just to the City, sometimes more.</p> <p>6 Did Ortiz ever discuss with you guys possibly</p> <p>7 getting a raise if the towing numbers were up?</p> <p>8 A. He made the statement at the front desk before, while</p> <p>9 both the supervisors in patrol were in contract</p> <p>10 negotiations that, "If you guys keep up the tickets and</p> <p>11 the tows, I can probably justify a raise to the city</p> <p>12 council for you guys."</p> <p>13 Q. Were you aware, after Goch & Sons came in, of the</p> <p>14 difference in the cost schedule for tows?</p> <p>15 A. Well, they changed it. They added on release fees and</p> <p>16 whatnot. The cost for someone getting their vehicle</p> <p>17 towed went up substantially.</p> <p>18 Q. Okay. And that was paid by the driver, obviously?</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And then did you realize that there was going to be a</p> <p>22 portion of that towing charge that would be revenue sent</p> <p>23 back to the City?</p> <p>24 A. The -- yes.</p> <p>25 I don't exactly know how it worked, but the</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Just by the -- I don't know how much, but just by the</p> <p>2 number of vehicles towed and released every month that</p> <p>3 it would be substantial. There was a lot of money being</p> <p>4 made.</p> <p>5 Q. And did you ever form the opinion that either the city</p> <p>6 council or Mr. Ortiz wanted tows and -- a lot of tows in</p> <p>7 order to generate revenue?</p> <p>8 A. Well, it was cash money coming in every month.</p> <p>9 The City was under scrutiny from the State</p> <p>10 Treasury.</p> <p>11 Q. Deficit Elimination Plan?</p> <p>12 A. Yeah. They were in a Deficit Elimination Plan, and they</p> <p>13 were reporting on a regular basis, having to go up to</p> <p>14 Lansing.</p> <p>15 I would submit paperwork from the auction, and they</p> <p>16 would take it to the auditors, and the auditors would</p> <p>17 work it in in the city budget, from what I understand,</p> <p>18 and then present it to the State.</p> <p>19 Q. Okay. And that was different than pre-Goch?</p> <p>20 A. I don't know what they did before. I just know that</p> <p>21 Rich had asked me on several occasions for the numbers</p> <p>22 from the auctions, and that they were using them to give</p> <p>23 to the auditors.</p> <p>24 Q. Okay. So, this was different as of 2015? The City was</p> <p>25 now actually generating revenue based on tows --</p>

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<p style="text-align: right;">Page 41</p> <p>1 MS. BALIAN: Objection. Lack of foundation.</p> <p>2 BY MS. GORDON:</p> <p>3 Q. -- that went to the City coffers; is that correct?</p> <p>4 MS. BALIAN: Objection. Lack of foundation.</p> <p>5 A. Well --</p> <p>6 BY MS. GORDON:</p> <p>7 Q. Separate and apart from the auctions that you described</p> <p>8 earlier?</p> <p>9 A. Okay. Well, they're -- prior to Goch & Sons, we</p> <p>10 received money from storage, and they -- we would get</p> <p>11 money from the auctions.</p> <p>12 Q. But post-Goch & Sons, you were getting revenue from</p> <p>13 every single impound or tow?</p> <p>14 A. Well, the amount collected from the drivers went up</p> <p>15 because they added more fees. So, the cost of getting</p> <p>16 your vehicle out increased with Goch & Sons versus</p> <p>17 Gene's.</p> <p>18 Q. What would they add in as fees?</p> <p>19 A. Like a \$35 release fee, and I believe the tow cost more.</p> <p>20 There was a release fee that was added and some other</p> <p>21 fees, too.</p> <p>22 I think average, if you got it out that day, I</p> <p>23 think it was \$255 -- \$255, where it was significantly</p> <p>24 less before.</p> <p>25 Q. Okay. Were you aware that Officer Furman had a personal</p>	<p style="text-align: right;">Page 43</p> <p>1 city council packet.</p> <p>2 BY MS. GORDON:</p> <p>3 Q. Okay. And you see obviously on the bottom that there's</p> <p>4 a revenue figure directly to the city which would be, in</p> <p>5 this case, \$19,280.75 --</p> <p>6 A. Right.</p> <p>7 Q. -- for one month; correct?</p> <p>8 A. Correct.</p> <p>9 I did not witness it, but I was told that the tow</p> <p>10 company would present this in the city council meetings.</p> <p>11 Q. Okay. And do you know who presented it from Goch?</p> <p>12 A. Mike Goch.</p> <p>13 Q. Okay.</p> <p>14 A. And would critique that, you know, tows were up or tows</p> <p>15 were down for the month.</p> <p>16 Q. Okay. Did you typically attend city council meetings?</p> <p>17 A. No.</p> <p>18 Q. So, I don't know if you have any idea what percentage of</p> <p>19 the tows of the revenue went to the City as compared to</p> <p>20 Goch, but with regard to the document I just handed you,</p> <p>21 does that indicate to you how much money Goch would have</p> <p>22 received for Melvindale tows?</p> <p>23 A. Well, in the form here it says, "City of Melvindale</p> <p>24 revenue generated."</p> <p>25 So, I would assume they're saying that's what the</p>
<p style="text-align: right;">Page 42</p> <p>1 relationship of some type with Mike Goch?</p> <p>2 A. I had heard other people talking, but I did not witness</p> <p>3 it myself.</p> <p>4 Q. Were you aware that he had been to his home and been on</p> <p>5 his boat?</p> <p>6 A. I -- no, I did not know that.</p> <p>7 Q. Okay. Did you ever attend a Goch Christmas party?</p> <p>8 A. No, I did not.</p> <p>9 Q. Were you ever invited to a Goch Christmas party?</p> <p>10 A. Not that I know of, no.</p> <p>11 Q. Okay. So, we've heard in this case about -- excuse me</p> <p>12 one second.</p> <p>13 I'll just show you some documents. I don't know if</p> <p>14 you're familiar with them or not, but these have been</p> <p>15 used in this case and produced.</p> <p>16 This is Hayse Bates stamp 478. It says the Goch &</p> <p>17 Sons Towing Melvindale revenue statistics 9-1-15 through</p> <p>18 9-30-15, so that's a 30-day period?</p> <p>19 A. Okay.</p> <p>20 Q. Does that refresh your recollection with regard to the</p> <p>21 costs?</p> <p>22 MS. BALIAN: I'm just going to object as to</p> <p>23 foundation. I don't know if he's ever seen this.</p> <p>24 A. I -- I don't know if I've seen this particular document</p> <p>25 before, but I've seen a similar document before in the</p>	<p style="text-align: right;">Page 44</p> <p>1 City made.</p> <p>2 Q. That's correct.</p> <p>3 A. Okay.</p> <p>4 Q. So, do you know the multiplier of what that would mean</p> <p>5 Goch would have received?</p> <p>6 A. I don't know -- I don't know what they would have made</p> <p>7 out of that for the month, no.</p> <p>8 Q. Okay. So, I'll hand you Bates 476, which is a December</p> <p>9 revenue statement from Goch & Sons Towing, December 1,</p> <p>10 '15 through December 31, and this has gone up over the</p> <p>11 one I've got in front of you by about \$10,000.</p> <p>12 Do you know why that would be?</p> <p>13 That's a \$29,000-plus month of December.</p> <p>14 A. I could only conclude that more vehicles were towed that</p> <p>15 month.</p> <p>16 I don't know.</p> <p>17 Q. Do you know why that many more vehicles would be towed</p> <p>18 in December?</p> <p>19 It looks like 99 vehicles were towed that month.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Someone was towing a lot of vehicles that month, is</p> <p>23 what it would tell me, or more than one officer. I</p> <p>24 don't know.</p> <p>25 Q. Okay. I'll take that back.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Did you have any interaction with Mike Goch</p> <p>2 yourself?</p> <p>3 A. I would see him at the auctions, and there were a couple</p> <p>4 times where we were having issues with what the clerical</p> <p>5 staff were trying to charge drivers. I had met with him</p> <p>6 a couple times in person to try and iron it out.</p> <p>7 Q. What was that about?</p> <p>8 A. There was a whole thing about charging drivers for a</p> <p>9 dolly fee. It was basically for a service that they</p> <p>10 didn't do, and he justified that if he had a different</p> <p>11 truck, he would have had to have done it, so he thought</p> <p>12 he could charge it.</p> <p>13 Q. Even though he didn't have it?</p> <p>14 A. Even though he did not perform the service.</p> <p>15 And so we discussed it a couple times. Chad Hayse</p> <p>16 dealt with him on numerous occasions about it. It was a</p> <p>17 big blow up with the city council. And then they kind</p> <p>18 of dropped it.</p> <p>19 Q. What do you mean by "big blow up"? What were they</p> <p>20 concerned about?</p> <p>21 A. Well, the City wanted to make sure that they got a piece</p> <p>22 of it, and they were kind of defending Mike Goch.</p> <p>23 And it was for something that wasn't in their</p> <p>24 contract, and they had -- Katie Pope had come in, and we</p> <p>25 have it posted up at the front window for people coming</p>	<p style="text-align: right;">Page 47</p> <p>1 relationship or friendship with Matthew Furman?</p> <p>2 A. I knew they were friends.</p> <p>3 Q. Was that known, or was that something --</p> <p>4 A. He -- yeah. He -- he would stop by while he was working</p> <p>5 and visit with her.</p> <p>6 Q. How did you know that?</p> <p>7 A. Because he said so. He said, "I stopped by -- I was by</p> <p>8 and talked to Nicole Barnes," and whatnot. I knew they</p> <p>9 were friends.</p> <p>10 And he was -- Nicole Barnes is good friends with</p> <p>11 Pat Easton, too.</p> <p>12 Q. Okay. Were you aware that Nicole Barnes went out to</p> <p>13 have a drink or a beer or something at a couple of</p> <p>14 different local bars with Furman from time to time?</p> <p>15 A. No.</p> <p>16 (Discussion held off the record.)</p> <p>17 BY MS. GORDON:</p> <p>18 Q. I'm going to hand you Bates Hayse 2227.</p> <p>19 Do you recall this memo coming out from Chad Hayse</p> <p>20 to All Officers? It's dated June 2nd, 2015.</p> <p>21 A. Yes.</p> <p>22 Q. It's "Re --"</p> <p>23 A. I remember it, yes.</p> <p>24 Q. "-- Rules and Regulations," and it says:</p> <p>25 "As a reminder, Section 23, Professional</p>
<p style="text-align: right;">Page 46</p> <p>1 in, the fees. And she came in with her own fee list</p> <p>2 with it added into it.</p> <p>3 Well, it's not in their contract, so that was taken</p> <p>4 down, and the actual fee list from the actual contract</p> <p>5 was photocopied and put in its place. And then after</p> <p>6 that, we didn't have that issue any more.</p> <p>7 Q. Did you form the opinion, after Goch & Sons came</p> <p>8 onboard, that the city council was very supportive of</p> <p>9 them and happy to receive this revenue?</p> <p>10 MS. BALIAN: Objection. Lack of Foundation.</p> <p>11 BY MS. GORDON:</p> <p>12 Q. Go ahead.</p> <p>13 MS. BALIAN: He didn't attend the city council</p> <p>14 meetings.</p> <p>15 BY MS. GORDON:</p> <p>16 Q. Go ahead.</p> <p>17 A. I would assume because of the financial status of the</p> <p>18 City, they were happy with the revenue generated.</p> <p>19 Q. Did you know any of the city council members?</p> <p>20 A. I knew Wheeler Marsee as an acquaintance, you could say.</p> <p>21 He would come into the station occasionally and speak</p> <p>22 with us to see how we were doing and whatnot.</p> <p>23 The other members of the city council, I did not</p> <p>24 know.</p> <p>25 Q. Did you hear that Nicole Barnes had some type of a</p>	<p style="text-align: right;">Page 48</p> <p>1 Conduct and Responsibilities of the Rules and</p> <p>2 Regulations prohibits acceptance of gifts,</p> <p>3 gratuities, fees, loans, et cetera. Any</p> <p>4 officer violating this Section will be</p> <p>5 disciplined up to termination and may face</p> <p>6 criminal charges."</p> <p>7 Were you aware of why this was needed to be sent</p> <p>8 out in June of 2015?</p> <p>9 A. I believe it was in regards to issues with the tow</p> <p>10 company wanting to do things and give things to the</p> <p>11 department.</p> <p>12 I believe at one time that Katie Pope, from Goch &</p> <p>13 Sons, approached us and wanted to hold a barbecue at the</p> <p>14 department for the officers. They would come in and</p> <p>15 bring muffins, pastries, drinks and whatnot.</p> <p>16 Q. Am I correct that the number of tows done by Melvindale</p> <p>17 police officers had a direct impact on the amount of</p> <p>18 money made by Goch & Sons?</p> <p>19 A. The more vehicles that the officers towed, the more</p> <p>20 money that Goch & Sons made.</p> <p>21 Q. Okay. So, we've got some data from towing, and we see</p> <p>22 that the number of tows during the first six months of</p> <p>23 2015 was 368.</p> <p>24 And then Goch & Sons took over, from Gene's, and</p> <p>25 right after that, for the second half of the year, there</p>

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<p style="text-align: right;">Page 49</p> <p>1 were 1,137 tows in a six-month time period.</p> <p>2 Is that something you would have been cognizant of</p> <p>3 at the time?</p> <p>4 A. Yes. I was doing the paperwork.</p> <p>5 Q. Okay. What happened, from your point of view as a</p> <p>6 lieutenant?</p> <p>7 A. Furman had said that his goal was to tow 1,000 cars that</p> <p>8 year. And there are days that he would tow 10 cars in a</p> <p>9 shift.</p> <p>10 Q. Okay. This was different after Goch & Sons came in?</p> <p>11 A. He had towed quite a few cars before.</p> <p>12 Q. Right.</p> <p>13 A. But it went up substantially after the Goch & Sons came</p> <p>14 in.</p> <p>15 Q. Okay. All right. So, let's compare the amount of cars</p> <p>16 Furman was towing in a day while you were supervising to</p> <p>17 the other -- there was one other officer on his shift?</p> <p>18 A. There would be one other officer. Depending on</p> <p>19 scheduling, there might be a third, depending on</p> <p>20 officer's days off and whatnot.</p> <p>21 Q. Okay. So, what percentage of those 1,137 tows, in the</p> <p>22 second half of 2015, would you estimate would have been</p> <p>23 from Mark(sic) Furman as compared to all other officers?</p> <p>24 A. My guess would be 75 percent.</p> <p>25 Q. Okay. So, in order to do eight or ten tows a day, how</p>	<p style="text-align: right;">Page 51</p> <p>1 that are -- stop your traffic detail and help the other</p> <p>2 officers.</p> <p>3 It's a very serious situation.</p> <p>4 But he wanted to tow the car instead.</p> <p>5 Q. Okay. So, why would he -- I mean, I get that people</p> <p>6 may, you know, have -- enjoy doing certain things. Some</p> <p>7 people might like traffic. Some people might like</p> <p>8 dispatch, whatever.</p> <p>9 What was the -- I'll use the word --</p> <p>10 "obsession" with Furman and the tows as far as you could</p> <p>11 discern?</p> <p>12 A. I don't know. He bragged about it. He talked about it.</p> <p>13 He kept a ledger in the inside of his locker where he</p> <p>14 would log everything at the end of the day. He liked</p> <p>15 the attention. He would tell anybody that would listen.</p> <p>16 Q. And the attention was generated because his tows were</p> <p>17 generating so much money and revenue for Goch and for</p> <p>18 the City; is that -- do I have right?</p> <p>19 MS. BALIAN: Objection. Calls for speculation.</p> <p>20 BY MS. GORDON:</p> <p>21 Q. Is that correct?</p> <p>22 A. I assume he liked the attention that he was getting.</p> <p>23 Q. Okay. But when you make a tow, you're literally</p> <p>24 generating money for Goch & Sons and for the City;</p> <p>25 correct?</p>
<p style="text-align: right;">Page 50</p> <p>1 much -- what percentage of your shift was this taking</p> <p>2 up?</p> <p>3 A. It was taking up most of his shift.</p> <p>4 And I was getting complaints that, you know, the</p> <p>5 other officers were taking all the report calls while he</p> <p>6 was towing cars.</p> <p>7 Q. So, you needed somebody to go out on a dispatch. He was</p> <p>8 towing, so the other officer would have to pick up all</p> <p>9 the calls? Is that what you're saying?</p> <p>10 A. Right. I would catch flack from the other officers that</p> <p>11 he was working with.</p> <p>12 Q. Did you ever discuss this with Furman about the tows?</p> <p>13 A. Yes. I told him before. I said, "Listen, if it's just</p> <p>14 the two of you out there, I can't have you tied up</p> <p>15 towing cars all day. If I've got a third guy and we're</p> <p>16 not super busy, that's fine."</p> <p>17 There was an instance where he was working a</p> <p>18 traffic detail, and we had an armed robbery.</p> <p>19 In the middle of the armed robbery, he called out</p> <p>20 for a tow truck.</p> <p>21 Q. What was that about?</p> <p>22 A. He had to tow a car, though we had somebody just commit</p> <p>23 an armed robbery.</p> <p>24 Q. I see.</p> <p>25 A. His response should have been, help the other officers</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes, that's true.</p> <p>2 Q. But when you go out on an armed robbery run, you are not</p> <p>3 generating money?</p> <p>4 A. Well, no. This was an officer safety issue.</p> <p>5 He was not assigned to the road that day. He was</p> <p>6 working a traffic detail.</p> <p>7 A call for an armed robbery came out. If you're</p> <p>8 working a detail which isn't important -- it's an</p> <p>9 overtime detail --</p> <p>10 Q. Right.</p> <p>11 A. -- and something serious like that happens, it's an</p> <p>12 officer safety issue. You're supposed to stop what</p> <p>13 you're doing and assist the responding officers.</p> <p>14 Q. No, I get that.</p> <p>15 A. He chose not to because towing the car was more</p> <p>16 important than helping his fellow officers with an armed</p> <p>17 gunman.</p> <p>18 Q. Okay. I get that.</p> <p>19 But the point I'm asking you about is, am I correct</p> <p>20 that, when he towed a car, there would be money</p> <p>21 generated from that tow to Goch and to the City, as</p> <p>22 compared to him taking a dispatch run on a possible --</p> <p>23 not your armed robbery, but just a normal dispatch run?</p> <p>24 You're not generating revenue?</p> <p>25 A. No. Most --</p>

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1 MS. BALIAN: Objection. The testimony wasn't that
2 he was dispatched.
3 BY MS. GORDON:
4 Q. Go ahead. I'm saying hypothetically.
5 A. Most often you're responding to the situation and taking
6 report.
7 Q. And even if you stop somebody for speeding, I mean,
8 there might be a little revenue from the speeding
9 citation, but you're not generating money for Goch &
10 Sons when you issue a speeding ticket; correct?
11 A. No. Only when you tow a vehicle.
12 Q. Okay. So, did you wonder why it was that Furman was so
13 obsessed with doing these tows that were generating
14 money?
15 A. I don't know the reason why he was so obsessed with it.
16 Q. There --
17 A. I know he liked to brag about it. He liked to talk
18 about it and, you know, tell everybody how he was
19 making -- he was going to -- making all this money for
20 the City, and he's going out there to get us raises and
21 whatnot.
22 Q. Were you aware that he was not calling dispatch --
23 strike that.
24 You've described a situation where if you stop a
25 vehicle, you would know about it, a lieutenant back at

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1 the station would know about it. And then you would be
2 contacted with regard to getting the tow to dispatch the
3 tow truck; correct?
4 A. Right.
5 Q. Were you aware that Furman bypassed that step of
6 contacting the desk?
7 A. Well, if he was going to tow a vehicle, he would have
8 to -- I was normally the one that called the tow
9 company. And if he were to tow a vehicle, then the tow
10 driver would come into the station for the paperwork, so
11 I don't know how that would work.
12 Q. Well, he testified that he, on his cell phone, would
13 contact --
14 (Discussion held off the record.)
15 BY MS. GORDON:
16 Q. -- Briscoe directly --
17 A. Oh, all right. Just --
18 Q. Just on his own, he would make the contact.
19 A. Okay. Just recently, within the last year or so, the
20 procedure did change a little bit. Sometimes I will
21 call or sometimes he will call a tow driver because now
22 the officer is filling out the tow slip in the car and
23 handing the tow slip directly to the driver, but the
24 driver would still come into the station and turn over
25 the keys.

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1 So, they eliminated a step, and that was just
2 within the -- like the last year, I believe.
3 So, occasionally, he did call, but I did know that
4 he -- when he was on a traffic stop, I did know he was
5 on a traffic stop because he would log in the computer.
6 Q. Right.
7 A. But he just took it upon -- they changed the procedure a
8 little bit recently, and, depending on how busy we were,
9 sometimes he would contact the tow driver directly
10 because the tow driver was in town.
11 In fact, if Furman was working traffic, the tow
12 driver would pretty much follow him around.
13 Q. Right.
14 A. Because the tow driver got a commission for each tow
15 that he made, too.
16 Q. I see.
17 Okay. Did you ever form -- you've already touched
18 on this a bit.
19 Did you form the opinion that by doing all these
20 tows, other road patrol duties that should have been
21 handled may be left undone in some way?
22 A. Well, you're not getting the patrol coverage in the city
23 that you normally would. If you've got a guy that's
24 sitting on Schaefer Highway all day, he's not in the
25 neighborhoods making a visual presence or keeping an eye

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1 on the houses while people are at work. And I did, on
2 several occasions, tell him to get on the side streets.
3 Q. Did he do it, or did you get a response?
4 A. He would do it for a little while, and then get back out
5 there and start towing cars again.
6 Q. Did you have the ability to tell him, "Look, you know,
7 you've got to be doing other stuff," or did you feel
8 constrained to do that or explain that?
9 A. Well, there were numerous times I tried to coach him and
10 give him advice and whatnot, and times I would try and
11 teach him -- try and tell him he needed to use
12 discretion in a lot of things that he did and whatnot.
13 And most of the time he just -- he acted like he knew
14 better and didn't want to hear it.
15 Q. Do you recall Councilwoman Nicole Barnes contacting
16 Chief Hayse with Officer Furman's request that the chief
17 assign Furman to traffic 100 percent of the time? Does
18 that ring a bell?
19 A. I had heard something that he was speaking to Nicole
20 Barnes about wanting to try and negotiate his own
21 contract, and the patrol -- he was a member of the
22 patrol union board, and they kicked him off.
23 Q. What's --
24 A. He was the treasurer, and they voted him out because of
25 it.

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<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. So, explain that.</p> <p>2 What's the patrol officer's board?</p> <p>3 A. Well, they have -- it's a union position.</p> <p>4 Q. Okay.</p> <p>5 A. And you have POAM for the patrolmen, and that is the</p> <p>6 main -- the main representation and then each department</p> <p>7 has their own reps in the department.</p> <p>8 So, they would have a sergeant at arms, a</p> <p>9 president, vice president and treasurer.</p> <p>10 At that time, Matt Furman was the treasurer for the</p> <p>11 patrol union. And after all that stuff happened, the</p> <p>12 patrol union voted him off the board.</p> <p>13 Q. And why was that as far as you could tell?</p> <p>14 A. Because he was trying to circumvent their own contract.</p> <p>15 Q. By getting his own contract?</p> <p>16 A. Correct.</p> <p>17 Q. Do you recall Nicole Barnes facilitating or trying to</p> <p>18 facilitate a grant on behalf of Goch & Sons for the</p> <p>19 purchase of a new computer for a patrol car? Were you</p> <p>20 aware of that?</p> <p>21 A. I don't know if directly.</p> <p>22 I know that there were a couple instances where</p> <p>23 Goch was trying to do things for the department. I</p> <p>24 don't know if that was under the lines of a grant. I'm</p> <p>25 not sure.</p>	<p style="text-align: right;">Page 59</p> <p>1 lieutenant.</p> <p>2 Q. Did you see the tow tags that Furman filled out?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Well, normally I filled them out. The portion about</p> <p>6 damage or property, he would come in, because -- I</p> <p>7 didn't physically see the vehicle, so he would fill in</p> <p>8 that section.</p> <p>9 But as far as the vehicle identification, all the</p> <p>10 identifiers for the vehicle, the location and whatnot, I</p> <p>11 would fill out that, and then he would come in and fill</p> <p>12 out the vehicle search section or damage section and</p> <p>13 then the tow tag would be filed.</p> <p>14 Q. He testified that -- I was asking him about people who</p> <p>15 he stopped where there were warrants and he didn't</p> <p>16 arrest them, even if they were Melvindale, and he said</p> <p>17 he would just tell people, you know, "You've got an</p> <p>18 arrest warrant out," and sometimes we could see that was</p> <p>19 written on the bottom of the tow tag by him.</p> <p>20 A. Right.</p> <p>21 Q. He said that was his writing.</p> <p>22 Were you aware of that?</p> <p>23 MS. BALIAN: Objection. That wasn't his testimony.</p> <p>24 But go ahead and answer.</p> <p>25 MS. GORDON: I'm paraphrasing.</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. What do you mean by "do things for the department"?</p> <p>2 A. Help them obtain equipment and whatnot.</p> <p>3 Q. What documentation had to be filled out at the time of a</p> <p>4 tow?</p> <p>5 We've got something in this case called "tow tags."</p> <p>6 A. Uh-huh.</p> <p>7 Q. What's that?</p> <p>8 A. For the desk officer?</p> <p>9 Q. Whatever the paperwork is that's generated either by the</p> <p>10 officer or the desk officer.</p> <p>11 A. All right. Well, what -- there is a document that is</p> <p>12 our tow slip. It has spots to fill in all the vehicle</p> <p>13 information, the vehicle, year, the make, the VIN, the</p> <p>14 color. There's a little graph of a vehicle on the tow</p> <p>15 slip to mark any damage -- preexisting damage or list</p> <p>16 any property that was in the tow slip.</p> <p>17 And the person that filled out the tow slip would</p> <p>18 normally -- the desk officer would sign their name to</p> <p>19 it, and then the officer that towed the vehicle would</p> <p>20 sign it also. Or they would -- or the desk officer</p> <p>21 would put that officer's name as the towing officer on</p> <p>22 it.</p> <p>23 Q. Did you typically see those when you were working your</p> <p>24 shift?</p> <p>25 A. That was part of my responsibilities as the desk</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MS. GORDON:</p> <p>2 Q. Go ahead.</p> <p>3 A. I would -- after he would come in to fill out the slip</p> <p>4 and after the vehicle was towed and the person was</p> <p>5 already gone, there were times that he did write on</p> <p>6 there that the person had Melvindale warrants or Allen</p> <p>7 Park warrants or whatnot.</p> <p>8 Q. Okay. But you're saying that really he should have</p> <p>9 arrested them at the scene?</p> <p>10 A. Unless there were extenuating circumstances, especially</p> <p>11 a Melvindale warrant.</p> <p>12 MS. GORDON: Okay. I'm just going to take like a</p> <p>13 3-minute break, run down hall.</p> <p>14 (Short recess at 11:10 a.m.)</p> <p>15 * * *</p> <p>16 (Record resumed at 11:17 a.m.)</p> <p>17 BY MS. GORDON:</p> <p>18 Q. Okay. You mentioned earlier, Lieutenant, some</p> <p>19 discipline with regard to Officer Furman. I've got a</p> <p>20 few questions a little more specifically about that.</p> <p>21 We have some paperwork on the discipline as well,</p> <p>22 and I can see that on February 28, 2016, Furman towed a</p> <p>23 woman named Cecilia -- I've got her as Cecilia W. I</p> <p>24 think it was Wielichowski or something to that effect</p> <p>25 and that she had a newborn and that the weather was</p>

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<p style="text-align: right;">Page 61</p> <p>1 inclement.</p> <p>2 Is that the incident you mentioned earlier?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. Okay. And --</p> <p>5 (Discussion held off the record.)</p> <p>6 BY MS. GORDON:</p> <p>7 Q. Okay. So, I've got some paperwork. I'll start with the</p> <p>8 investigation paperwork. It's from Chad Hayse -- I'm</p> <p>9 sorry. Yeah.</p> <p>10 From Chad Hayse. It's with regard to a Furman</p> <p>11 investigation. I'm going to hand you this document.</p> <p>12 It's Bates stamp 1440 and 1441.</p> <p>13 I don't know whether you've seen that before or</p> <p>14 not. Take a second and look at it.</p> <p>15 MS. GORDON: (Producing document.)</p> <p>16 MS. BALKAN: Thank you.</p> <p>17 A. I believe I'm familiar with some of the circumstances</p> <p>18 but I do not think that I saw this document.</p> <p>19 BY MS. GORDON:</p> <p>20 Q. Do you remember Furman being suspended in April for</p> <p>21 three days?</p> <p>22 A. I don't remember if he actually got the time off or if</p> <p>23 they took it -- he was able to forfeit the time out of</p> <p>24 his bank. I don't remember.</p> <p>25 Q. He was later. He was later. That is correct.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. And Corporal Hinojosa was --</p> <p>2 A. Right. Dispatched to the call.</p> <p>3 So, this would be the incident, yes.</p> <p>4 Q. Okay. On the second page, it says:</p> <p>5 "You arrested the driver and failed to</p> <p>6 follow the listed rules and regulations as</p> <p>7 adopted by the Public Safety Commission,</p> <p>8 Section 2, Number 4, Handcuff; Number 5, Search</p> <p>9 the Prisoner; and 6, Transport Prisoner to</p> <p>10 Police Station."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall being aware of Furman not having done</p> <p>14 these things?</p> <p>15 A. Yes. This is the woman that came into the station and</p> <p>16 stated that Officer Furman had thrown her on the ground</p> <p>17 and she had her child with her, and she was waiting for</p> <p>18 someone to pick her up.</p> <p>19 Q. Okay. If you go back to the first page, the third</p> <p>20 paragraph talks about:</p> <p>21 "Lieutenant Welch and other supervisors</p> <p>22 have Advised you in the past about towing</p> <p>23 vehicles with sick, elderly or children in</p> <p>24 the vehicle."</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. Okay. I think those are the circumstances I remember,</p> <p>2 but I --</p> <p>3 Q. Okay.</p> <p>4 A. -- as far as him being off.</p> <p>5 But I thought he had just lost time.</p> <p>6 Q. Okay. So, if you go to the bottom of this first page,</p> <p>7 it says:</p> <p>8 "The driver came to the police station</p> <p>9 and complained to Lieutenant Welch that you</p> <p>10 had assaulted her in front of her children."</p> <p>11 Is that what you were talking about earlier,</p> <p>12 Lieutenant?</p> <p>13 A. No. I was --</p> <p>14 Q. Somebody coming to the station, or is this somebody</p> <p>15 different?</p> <p>16 A. I'm trying to remember if this is the same -- is this</p> <p>17 the -- is this the incident on Schaefer Highway?</p> <p>18 Q. Well, yes.</p> <p>19 A. Or is this something else?</p> <p>20 Q. The stop was conducted on Schaefer.</p> <p>21 A. Okay. Then this was probably -- and what was the name</p> <p>22 of the person?</p> <p>23 Q. This document shows her as "Cecilia."</p> <p>24 A. That sounds like maybe that might be the name of the</p> <p>25 person, and then they're talking about --</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And it says:</p> <p>2 "On February 28, you towed a vehicle after</p> <p>3 removing children. The driver was on her cell</p> <p>4 phone. You ordered her from the vehicle several</p> <p>5 times and forcibly removed her by using a</p> <p>6 transport wrist lock and secured both of her</p> <p>7 wrists behind her back while forcing her over</p> <p>8 the hood of the vehicle. You placed the driver</p> <p>9 under arrest. You failed to report the arrest</p> <p>10 to your supervisor, Lieutenant Welch. You did</p> <p>11 not process the prisoner, but instead released</p> <p>12 her with a citation for no insurance.</p> <p>13 In my opinion, it was not necessary to</p> <p>14 remove the woman from the vehicle instead of</p> <p>15 allowing her to complete her telephone call."</p> <p>16 I'll stop right there.</p> <p>17 Is this paragraph accurate that you and other</p> <p>18 supervisors had advised Furman in the past about towing</p> <p>19 vehicles with sick, elderly or children?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And is it correct with regard to he -- Furman</p> <p>22 failed to report the arrest to his supervisor?</p> <p>23 A. Well, he -- the issue was there he used force against</p> <p>24 the citizen.</p> <p>25 Q. Uh-huh.</p>

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1 A. Any time that you use force, the circumstances -- to
2 properly use force, the circumstances have to be
3 appropriate to use that force. And if they're to that
4 level where you have to use physical force against
5 someone, they better be under arrest. You just can't
6 put your hands on people in the street and play catch
7 and release. If that person did something to the level
8 that required you to use physical force against them,
9 then you need to bring them to jail.
10 Q. What is a transport wrist lock?
11 A. There is a -- it's a technique where you basically take
12 control of the person's arm, and you're able to use
13 leverage or pain compliance to get them to come out or
14 do what you want them to do.
15 Q. Did you become aware that this discipline was being
16 issued to Furman at some point?
17 A. Well, yeah. I did -- I did hear that he had lost some
18 time later on.
19 Q. Okay.
20 A. But other than advising Chad Hayse about the situation,
21 he took -- he took the situation and handled it from
22 there. And then I believe I heard later on that Furman
23 had lost a couple days in regards to the situation.
24 Q. Okay. As you understood it, was part of the goal of the
25 memo to Furman, even though he didn't actually end up

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1 using days, to advise him to use better judgment and to
2 listen to --
3 A. Of which memo?
4 Q. The one I just -- that you've got in front of you.
5 A. This one?
6 Q. Yeah.
7 MS. BALIAN: Objection. Lack of foundation.
8 BY MS. GORDON:
9 Q. Do you view that as a memo that is giving, you know,
10 counseling to Furman, as well as discipline, which he
11 didn't end up having to lose time for?
12 MS. BALIAN: Objection. Lack of foundation and
13 calls for speculation.
14 A. Well, this document would be advising Matt Furman as
15 this -- for the circumstances of why he was being
16 disciplined, and the circumstances around it and telling
17 that officers -- supervisors have made multiple efforts
18 to get him to use better discretion.
19 BY MS. GORDON:
20 Q. Do you agree that that memo dated April 25th, 2016,
21 Bates stamp 1440, produced to us by the City, would have
22 been an appropriate thing for the chief to give Furman
23 under these circumstances?
24 A. Yes.
25 Q. Let me hand you Bates stamp produced by the City 1448 to

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1 Lieutenant Welch from Corporal -- no. I'm sorry.
2 (Discussion held off the record.)
3 BY MS. GORDON:
4 Q. Okay. So, now I've got a document dated 3-1-2016. This
5 is a different event where apparently Chief Hayse had
6 requested that Furman explain himself. And it starts
7 with -- I'm going to give you a different Bates number.
8 It starts with 1454. It's a memo to you from Corporal
9 Hinojosa.
10 A. Yes, I remember this document.
11 Q. Okay. All right. And here is Bates stamp 1448 to
12 Lieutenant Welch from Corporal Furman, 3-1-16.
13 Take a look at that and just refresh your
14 recollection.
15 A. Yeah, I remember this document.
16 Q. So, was Furman asked to give you an explanation?
17 A. I requested that Furman give me a letter about what
18 happened on that traffic stop after the lady had come in
19 to complain.
20 And then, because Corporal Hinojosa was also
21 dispatched to that call, I requested that he document
22 what happened also.
23 Q. If you don't mind, take a look at this document. I'm
24 just going to ask you your reaction to what -- how
25 Furman explained himself as his commanding officer.

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1 A. After reading his statement, I would come to the
2 conclusion that there would be a better way to handle
3 this. You could probably let the lady calm down a
4 little bit and give her an opportunity to get out of her
5 vehicle and not use physical force. This -- it wasn't
6 handled properly.
7 Q. Okay.
8 A. And if she -- he had already called for Corporal
9 Hinojosa to respond to the situation. Oftentimes if a
10 citizen is angry with an officer, if someone else comes
11 to the location, you can normally get them to cooperate
12 because they're not mad at the other officer.
13 (Discussion held off the record.)
14 BY MS. GORDON:
15 Q. Okay. So, here I have a memo to Furman from Chad Hayse
16 with regard to tow requests.
17 A. Yeah. I'm familiar with that document. I spoke with
18 him about it before it was issued.
19 Q. You spoke to --
20 A. Chad Hayse about it.
21 Q. Okay. And what did you discuss?
22 A. I thought it was a good idea.
23 Q. Explain.
24 A. He refused to use any common sense. He was out there
25 working like a robot. I mean, every traffic stop, every

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<p style="text-align: right;">Page 69</p> <p>1 encounter with a citizen, I think you should weigh the 2 circumstances, and some situations have some compassion 3 for the people that you're dealing with. It didn't 4 matter to him what their circumstances were. He was 5 putting old ladies out on the street, people that had 6 just had surgery, people with kids. You can't be a 7 robot out there. You have to use discretion. And the 8 purpose of this letter was to make him stop and think 9 about what he was doing instead of working like a robot. 10 Stop, think about what you're doing, and if you've got 11 to call in and explain yourself, then you should be able 12 to justify what you're doing, because he wouldn't 13 listen. 14 Q. Okay. And with regard to driver gender and age, number 15 of occupants and ages, the reason for the tow, what was 16 that about? 17 What was -- 18 A. That was to get him to consider the circumstances 19 surrounding his traffic stop and to use some judgment 20 and some common sense. Just because you can tow the car 21 doesn't always mean you should. 22 It was an attempt to get him to think about what 23 he's doing and not just worry about getting a stat. 24 Q. So, the City -- I'm paraphrasing the City's position in 25 this case, but I've sat through a lot of depositions and</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Well, there were multiple situations where he was 2 putting people out on the street that he shouldn't. 3 So, if you made him stop and think about what he 4 was doing before he did it, because if he knew he had to 5 let us know and there's a chance we might tell him no, 6 then maybe he would make the right decision on the 7 street before calling the station to let us know. That 8 was the purpose of it. 9 Q. What about gender and age? 10 A. He -- 11 Q. You're talking about -- 12 A. There had better be a darn good reason why you're 13 putting a 70-some-year-old lady, frail old lady on the 14 street miles from her home. A real good reason. 15 Q. And how about children? Same thing? 16 A. Yes. 17 Q. Number of occupants, what is that going to? What are 18 you trying to avoid there? 19 A. Well, that would probably tie into having a car load of 20 kids. 21 My years on the road, there were many times on just 22 a simple traffic stop or driving on suspended, based 23 upon who was in the vehicle, the circumstances 24 surrounding it, I let them drive away. 25 Q. And why would you do that?</p>
<p style="text-align: right;">Page 70</p> <p>1 what people like Nicole Barnes and the mayor say is this 2 would have caused Furman to have to discriminate against 3 people on the basis of gender, "race" -- I heard the 4 word "race" used in here -- and age. 5 So, what is your takeaway on that? 6 A. That's not accurate. That's not the intent of this 7 letter, and that's not what he was told. 8 You can take and spin it any way you want, but it 9 is an attempt to get him to use discretion, which he 10 refused to do. 11 Q. So, he says, "Well, I was the only one that had to call 12 in." 13 A. Because he was the one not using discretion. He was the 14 one getting all the complaints, and he was the one that 15 was assaulting people. 16 Q. Was this memo designed, from what you could tell, to try 17 to protect the department in some way from complaints, 18 lawsuits and the like? 19 A. Yes. This was for the best interests of the department 20 and for his career. 21 Q. And how would gender and age come into play with regard 22 to calling in? 23 A. Putting -- 24 Q. I know you did have one older woman. I don't know if 25 that's what triggered this or not --</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Because it was the right thing to do. 2 Q. For their safety? For their well-being? Because they 3 weren't a threat? What? 4 A. Yeah. So, you've got a mother that's got three kids in 5 the car that has an unpaid speeding ticket, so has a 6 failure to comply with judgment and suspension out of 7 30 -- out of the Detroit court, 36th District Court, for 8 example. 9 So, you're going to put a mother and children out 10 on the street over something like that? 11 It's wrong. 12 Q. Okay. Did you hear of any pushback from Furman about 13 this memo that was issued on April 26th? Did you get a 14 reaction from him or anybody else? 15 A. I don't recall him saying -- I kind of got the 16 impression that he didn't like it, but I don't think he 17 stated anything specifically to me about it. 18 Q. Okay. Did he start calling, if you remember, or no? 19 A. I -- yeah, I recall him calling in. 20 Q. Do you remember him being denied tows and being told, 21 "Hey, no, don't tow"? Do you remember that happening? 22 A. Not that I can remember off the top of my head. 23 Q. Okay. 24 A. Which would probably indicate that it was working. 25 Q. Okay. Okay. Then Furman was suspended without pay on</p>

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1 July 5th, 2016.

2 I'm sorry. With pay originally, and then I think

3 it was later changed.

4 This involves an individual named Richard Crosslin.

5 A. Okay. Is Crosslin the guy that he tackled?

6 MS. BALIAN: You can't ask questions.

7 BY MS. GORDON:

8 Q. I'm going to let you look at this.

9 A. Okay.

10 Q. And then we'll see if I can refresh your recollection.

11 This is to Hayse from Furman. It's Bates stamp 940

12 through 943?

13 MS. BALIAN: Can I just see -- I'm sorry.

14 A. Go ahead.

15 Yeah. That is the incident that I'm speaking of.

16 BY MS. GORDON:

17 Q. That is the incident.

18 Were you aware of a suspension over this?

19 A. Yes.

20 Q. Okay. Did you discuss that with the chief?

21 A. Yes, I did.

22 Q. Okay. Tell me what you discussed.

23 A. Well, at that time, he was under investigation from the

24 state police for another assaultive incident. This one

25 happened. This is the incident that I spoke of earlier

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1 that Officer Lane and Officer Ginther responded to, and

2 they brought their concerns to me about it.

3 Q. What did they say?

4 A. They said what he did was wrong. It was unnecessary

5 force used against that person that they were compliant.

6 That he was compliant. I'm sorry.

7 Q. Okay. So, this is now the third one you've had in -- I

8 think since April 2016.

9 Does that sound correct?

10 A. Approximately, yeah.

11 Q. Okay. So, you had a concern about what to do about

12 him --

13 A. Yes.

14 Q. -- with regard to --

15 A. I -- I expressed to Chad Hayse that this situation has

16 gotten out of control, and it's something that needed to

17 be addressed.

18 Q. And did the chief agree?

19 A. Yes.

20 Q. Did you become aware that Furman was then suspended --

21 or not suspended, but at least put off work with pay?

22 A. Yes.

23 Q. Was there an investigation; if you recall?

24 A. I did not have a hand in the investigation. I'm not

25 sure what transpired in regards to this incident.

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1 I took the initial statements from the officers

2 that were there with him and turned them over to the

3 chief.

4 Q. You see from the exhibit that I just handed you, Hayse

5 940, Corporal Furman responded in writing to Chief Hayse

6 about what he had been -- a complaint that had been

7 filed against him; correct? At the very top?

8 A. Correct.

9 I believe what this is, is Chief Hayse addressed

10 the matter to him and advised Corporal Furman to respond

11 in writing his account of the incident.

12 Q. Okay. And then here is the other one.

13 This is -- I think you've discussed this briefly

14 before that the state police investigated. I'll hand

15 you Hayse 928. It's a series of e-mails. I don't know

16 if you've seen these before or not.

17 A. No. No, I have not.

18 Q. Who is Brandon Nolin, if you look at the very bottom of

19 the page?

20 A. He's an officer with Melvindale.

21 Q. Okay. So, have you ever seen this write-up from Brandon

22 Nolin, which is attached?

23 If you go on to the next page, he's writing to

24 Sunshine Ponzetti about what occurred.

25 A. I've never seen this document, no.

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1 Q. Okay. It does reference Lieutenant Allen.

2 Were you aware that Lieutenant Allen observed the

3 events with this particular individual whose head was

4 bounced against the car or whatever the verbiage is that

5 goes with that?

6 A. Yes. Yes. He was present.

7 The -- Brandon Nolin -- Lieutenant Allen, at the

8 time, was in charge of the detective bureau. Brandon

9 Nolin was assigned to the detective bureau. When they

10 called out that they were in a foot chase, the

11 detectives responded from the station to assist.

12 Q. Did you hear any -- did you get any pushback or hear of

13 any pushback about Furman -- either from Furman or

14 anybody else involved with the City of Melvindale with

15 regard to these disciplines or counselings that he was

16 receiving?

17 MS. BALIAN: On what?

18 MS. GORDON: On the counselings or disciplines

19 Furman was receiving.

20 MS. BALIAN: For this?

21 MS. GORDON: No. Any of these that we've covered.

22 A. I don't recall any -- from City officials or anything?

23 I don't --

24 BY MS. GORDON:

25 Q. Any -- well, from Furman or from any city council

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<p style="text-align: right;">Page 77</p> <p>1 members that expressed displeasure or anybody else?</p> <p>2 A. I -- I did not have contact with any city council</p> <p>3 members or really anyone from the City in regards to</p> <p>4 this, no.</p> <p>5 (Discussion held off the record.)</p> <p>6 BY MS. GORDON:</p> <p>7 Q. Okay. Did you become aware that there was a request for</p> <p>8 Furman, as part of his discipline or counseling, to</p> <p>9 obtain a psychological evaluation by the city</p> <p>10 psychologist?</p> <p>11 MS. BALIAN: Objection. Misstates facts not in</p> <p>12 evidence.</p> <p>13 BY MS. GORDON:</p> <p>14 Q. Go ahead.</p> <p>15 A. I believe that he was sent to see Dr. Clark. I think it</p> <p>16 was something that Chad Hayse did to try and figure</p> <p>17 things out.</p> <p>18 Q. Okay. Who did you understand Dr. Clark was at the time?</p> <p>19 A. Dr. Clark is the -- and still is the police department</p> <p>20 psychologist used for our hiring process or whatever</p> <p>21 that we may need.</p> <p>22 Q. Okay. So, he is somebody that is paid by the City to</p> <p>23 evaluate officers or potential officers when necessary?</p> <p>24 A. Right. Or if involved in a critical situation, you</p> <p>25 know, for counseling and whatnot. He's who we use.</p>	<p style="text-align: right;">Page 79</p> <p>1 A. I had heard that the city council had approved funds to</p> <p>2 do so, but I don't know who Lawrence Jackson is.</p> <p>3 Q. Did you know he was interviewing officers?</p> <p>4 A. No, I did not.</p> <p>5 Q. Were you aware that towing -- strike that.</p> <p>6 Did you ever hear Furman say he was not going to do</p> <p>7 towing?</p> <p>8 A. When Matt Furman would get complaints -- citizen</p> <p>9 complaints or he was being disciplined, he would state</p> <p>10 that he wasn't going to "because if I don't tow</p> <p>11 anything, I don't have contact with the public, then I</p> <p>12 can't get in trouble." So --</p> <p>13 Q. So, how did you view that position on his part?</p> <p>14 A. Well, the logic is pretty silly, but if you just were</p> <p>15 doing your job, then you wouldn't get in trouble. If</p> <p>16 you were using discretion, you wouldn't get complaints.</p> <p>17 I take that back. You will always get some</p> <p>18 complaints because you're telling people what they don't</p> <p>19 want to hear and doing things that they don't want to</p> <p>20 do, but they're very infrequent if you handle yourself</p> <p>21 and you treat people with respect.</p> <p>22 Q. When did you first meet Larry Coogan?</p> <p>23 A. I met Larry Coogan when he started working for the City</p> <p>24 as the one of the corporate counsel.</p> <p>25 Q. Did you work with him from time to time?</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. And does that happen from time to time that</p> <p>2 officers need counseling?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And is it possible for a supervisor to recommend</p> <p>5 them for counseling?</p> <p>6 A. A supervisor would probably speak to the chief about it,</p> <p>7 and the chief would do so.</p> <p>8 Q. Do you understand that the chief has the ability to have</p> <p>9 an officer be evaluated or go for counseling as part of</p> <p>10 a discipline or something else?</p> <p>11 A. I've seen it happen where officers have been in</p> <p>12 situations and that the chief has requested that they</p> <p>13 speak with the psychologist, yes.</p> <p>14 I've seen it a couple times during my career there.</p> <p>15 Q. What's the purpose of that as you understand it?</p> <p>16 A. Probably to help that officer, to see if they have some</p> <p>17 underlying issue that needs help.</p> <p>18 We had a situation where Chief Difatta had an</p> <p>19 officer see Dr. Clark about his drinking problem.</p> <p>20 Q. Okay. Have you ever seen any reports from Dr. Clark --</p> <p>21 A. No.</p> <p>22 Q. -- with regard to officers?</p> <p>23 Were you aware that Lawrence Jackson was hired by</p> <p>24 the City of Melvindale to do an analysis of why towing</p> <p>25 was down?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. In the detective bureau occasionally I would deal with</p> <p>2 him at court if we had a City case, a hearing.</p> <p>3 Q. Any other times later or toward the end of your career</p> <p>4 when you dealt with him?</p> <p>5 A. He oversaw a disciplinary hearing that I undertook.</p> <p>6 Q. Okay. Were you aware -- well, I'll hand you Hayse</p> <p>7 Exhibit 172.</p> <p>8 It's a letter to Chief Chad Hayse from Lawrence</p> <p>9 Coogan with a copy to mayor and council and Ortiz and</p> <p>10 Public Safety, stating:</p> <p>11 "On July 25th, I wrote a letter to you</p> <p>12 requesting you provide me all documents or</p> <p>13 writings regarding or concerning the alleged</p> <p>14 misconduct of Officer Furman. In addition, I</p> <p>15 requested the names and contact information</p> <p>16 of all persons and governmental agencies who</p> <p>17 have performed any investigation."</p> <p>18 So, you see he's asking the chief for all</p> <p>19 information regarding any alleged misconduct of Furman;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Were you aware of this previously?</p> <p>23 A. I think I had heard that he requested.</p> <p>24 I've never seen the document, but I think I heard</p> <p>25 Chad Hayse say that he requested it.</p>

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<p style="text-align: right;">Page 81</p> <p>1 Q. Okay. Do you know of any reason why the counsel for the 2 City would be requesting from the chief all alleged 3 misconduct -- documents relating to all alleged 4 misconduct of Officer Furman based on your years with 5 the City? 6 A. I've never seen this before. Never seen it happen. 7 Q. Do you -- sitting here today, can you -- I mean, we all 8 know what happened. We all know that the end of the 9 story is all Furman's discipline was removed. 10 A. Yes. 11 Q. Made null and void. 12 Do you have any idea why Lawrence Coogan would be 13 trying to obtain information about Furman's proposed or 14 alleged misconduct? 15 A. I don't know. I heard rumblings. And I don't have 16 names, but I did hear people saying stuff to the effect 17 that Furman was in contact with Coogan who was giving 18 him legal advice. 19 Q. And who was responsible for discipline of members of the 20 police department? 21 A. The police chief is responsible for doing the 22 investigation, and then, if it rises to the level of 23 suspension, termination, demotion, he is supposed to 24 turn that over to the Safety Commission who would then 25 have a hearing to determine his punishment.</p>	<p style="text-align: right;">Page 83</p> <p>1 for the weekend. Furman was advised to contact Chief 2 Hayse when he got back into town, I believe on Monday. 3 He was going out of town for a conference. 4 It was alleged -- and I don't know if it was 5 true -- that he never received a written reason why he 6 was being suspended. I don't know if that's true or 7 not. 8 Q. Which suspension was that? 9 A. When he was suspended the second time with pay after the 10 Crosslin incident. 11 Q. Was he told verbally? 12 A. He was told verbally, yes. John Allen was -- I was 13 present in the room, in the chief's office, and he was 14 told he was being suspended. I don't remember exactly 15 the verbiage that John Allen gave, but I remember 16 advising Furman to get a hold of the chief Monday 17 morning when he gets back into work. 18 Q. Okay. So, let's say hypothetically that he should have 19 been advised in writing. 20 I presume that could be corrected if it had not 21 occurred by, at a later time, giving -- you know, 22 holding off on his suspension and, at a later time, 23 giving him something in writing? 24 A. Well, ideally, from -- looking at it from a union 25 standpoint, they should have been -- the person should</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Okay. 2 A. If it was a minor situation where he might get a day off 3 or a couple days off, the chief would be able to do that 4 arbitrarily. But a major incident goes to the Safety 5 Commission. 6 Q. Were you aware that the mayor and members of city 7 council were also asking questions about why Furman was 8 being disciplined and looking into it? 9 A. I'm sorry. Could you restate your question? 10 Q. Okay. I will -- I'll rephrase it. 11 Did there come a time when you became aware that 12 the city council was upset about Furman being criticized 13 or disciplined? 14 MS. BALIAN: Objection. States facts not in 15 evidence. 16 A. I did not hear anything from -- about the city 17 politicians in regards to Furman. Not that I know of. 18 BY MS. GORDON: 19 Q. Do you know of anything Chief Hayse did improperly or 20 incorrectly with regard to any of his counseling or 21 discipline of Furman based on your years with the 22 department? 23 A. The only thing that ever came to light -- and I don't 24 know if -- whatever happened -- was that when Furman was 25 suspended, Chad Hayse had -- was on his way out of town</p>	<p style="text-align: right;">Page 84</p> <p>1 have been advised in writing. But that would be 2 something that that officer might contest later on down 3 the line in a grievance procedure. 4 Q. Okay. All right. Leave aside that procedural issue 5 that you've raised. 6 With regard to substance of what Hayse was trying 7 to accomplish with regard to counseling and discipline 8 of Furman, was he acting appropriately based on your 9 experience with the department? 10 A. Was the chief acting properly based on the circumstances 11 at that time? 12 Q. Yes. 13 A. Yes. 14 (Discussion held off the record.) 15 BY MS. GORDON: 16 Q. Okay. Did you know that one of the charges against the 17 chief and the complaint against him to fire him was 18 called "willful misconduct in office by improper 19 issuance of discipline upon Corporal Matthew Furman" and 20 that that was a so-called "terminable offense"? 21 A. I'm -- I didn't -- I'm not aware of every specific 22 charge that he was charged with. 23 I knew they had made an issue, but I didn't know 24 what the term was or whatnot. 25 Q. Uh-huh.</p>

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<p>1 Did you ever see the Amended Formal Complaint</p> <p>2 lodged against the chief by Nicole Barnes and the city</p> <p>3 council? You know, the packet of wrongdoing by Chief</p> <p>4 Hayse?</p> <p>5 A. No.</p> <p>6 Q. Okay. Back to Lawrence Johnson -- Jackson, who was</p> <p>7 hired by the city council and apparently knows Lawrence</p> <p>8 Coogan. That's how he came to be retained for this job.</p> <p>9 He was given the job of determining the reason for</p> <p>10 the fluctuation in towing activity by the Melvindale</p> <p>11 Police Department.</p> <p>12 Were you aware that somebody had been hired to</p> <p>13 provide a report on that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. How did you become aware of that?</p> <p>16 A. I believe I heard people talking about it after</p> <p>17 attending the city council meeting. I was not present</p> <p>18 at that meeting.</p> <p>19 Q. Okay. As a lieutenant in the department, who was</p> <p>20 managing road patrol officers and towing, were you ever</p> <p>21 contacted by Lawrence Jackson to -- for him to obtain</p> <p>22 information from you with regard to this issue of why</p> <p>23 there was a fluctuation in towing activity?</p> <p>24 A. I've never met the gentleman.</p> <p>25 Q. Were you aware he did meet with certain selected</p>	<p>1 The factors within the control of the City</p> <p>2 and police department include police staffing,</p> <p>3 policy, procedures, and possibly other internal</p> <p>4 factors. The focus of this review was limited</p> <p>5 to those variables which can be controlled by</p> <p>6 the City."</p> <p>7 So, I'll stop right there and ask you if you know</p> <p>8 what variables can be controlled by the City with regard</p> <p>9 to the number of tows?</p> <p>10 A. The variables that can be controlled by the City?</p> <p>11 Q. That's what he's saying. He wanted to look at that.</p> <p>12 A. Well, the number of vehicles towed depends on the number</p> <p>13 of traffic stops made and the officer's discretion</p> <p>14 whether or not to tow a car. They can tow one car in a</p> <p>15 day; they can tow zero; they can tow ten. It matters --</p> <p>16 it varies from day-to-day.</p> <p>17 Q. Okay. The next paragraph says:</p> <p>18 "Interviews were conducted with members of</p> <p>19 the city administration and the police department.</p> <p>20 Information regarding Goch & Sons Towing was</p> <p>21 solicited from members of the patrol division."</p> <p>22 Again, you've already said you weren't interviewed;</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. Did you hear of anybody that was interviewed?</p>
<p>1 officers in order to generate a report for Lawrence</p> <p>2 Coogan and the council?</p> <p>3 A. No, I was not aware.</p> <p>4 If the gentleman wanted the tow stats, I could have</p> <p>5 printed them off on the computer for him in about</p> <p>6 5 minutes.</p> <p>7 Every vehicle that is towed is logged in the system</p> <p>8 with -- coinciding with the report, the officer that</p> <p>9 towed the vehicle, the time, the location. I could have</p> <p>10 given him ten years of data. He never asked me for it.</p> <p>11 Q. Okay. I'll hand you his "Policy Review." It's -- it</p> <p>12 begins with City Bates stamp 1273.</p> <p>13 MS. GORDON: I think I've got another one, Melinda.</p> <p>14 MS. BALIAN: Thank you.</p> <p>15 BY MS. GORDON:</p> <p>16 Q. Have you ever seen that?</p> <p>17 A. I've never seen this, no.</p> <p>18 Q. Okay. So, let's go to the first page, under</p> <p>19 "Methodology." The paragraph says:</p> <p>20 "Several different factors can affect the</p> <p>21 number of vehicles impounded and towed within</p> <p>22 the City. Outside factors include reduced</p> <p>23 traffic, reduction in the number of illegally</p> <p>24 driven vehicles, environment conditions and</p> <p>25 other factors which are impossible to quantify.</p>	<p>1 A. No.</p> <p>2 Q. How many officers are there at Melvindale, or were there</p> <p>3 at this time, 2016, roughly?</p> <p>4 A. Maybe 25 from top to bottom.</p> <p>5 Q. So, the next paragraph says:</p> <p>6 "During these interviews, all officers</p> <p>7 requested anonymity."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. (Reading.)</p> <p>11 "The one exception was Corporal Matthew</p> <p>12 Furman. He agreed to be identified."</p> <p>13 Okay. So, now let's look and see what he says he</p> <p>14 did, on the next page.</p> <p>15 He says:</p> <p>16 "Four members of the patrol division were</p> <p>17 asked to interview, one declined."</p> <p>18 So, one of those was Furman.</p> <p>19 Do you have any idea why Mr. Jackson would pick</p> <p>20 four officers out of the 24 to interview?</p> <p>21 A. I have no idea, and I don't know why he would pick those</p> <p>22 ones.</p> <p>23 Q. Okay.</p> <p>24 A. We don't even know who they are.</p> <p>25 Q. Okay. Okay. Let's go down to "Interview Content."</p>

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<p>1 Number one, you see your name appears there?</p> <p>2 A. (No verbal response.)</p> <p>3 Q. (Reading.)</p> <p>4 "All officers stated that Chad Hayse and</p> <p>5 Lieutenant Welch 'hate' Mike Goch and his</p> <p>6 company. All relayed experiences where the</p> <p>7 chief and lieutenant ordered officers to not</p> <p>8 make that 'fucking Goch' more money."</p> <p>9 See that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Obviously, you've already covered this, but I</p> <p>12 want to make the record.</p> <p>13 You were never asked about this by Lawrence</p> <p>14 Jackson; correct? He never got your input --</p> <p>15 A. Never.</p> <p>16 Q. -- on what you thought about Mike Goch, whether you</p> <p>17 hated Mike Goch or anything else?</p> <p>18 A. I don't know who this gentleman is.</p> <p>19 Q. Okay. Do you have any idea who from the department</p> <p>20 would have said that you hated Mike Goch and that you</p> <p>21 ordered officers to not make that "fucking Goch" more</p> <p>22 money? Do you have any idea who would have said that?</p> <p>23 Anybody you can think of?</p> <p>24 A. My guess would either be Matt Furman or Patrick Easton.</p> <p>25 Q. What was with Easton? Who --</p>	<p>1 witness them calling the mayor a 'bitch,' 'whore,'</p> <p>2 'slut' and 'cunt' in the presence of other</p> <p>3 officers."</p> <p>4 Now, as you well know, Lieutenant, this of course</p> <p>5 comes up at the Chad Hayse disciplinary hearing, right,</p> <p>6 where officers come to the stand and testify to that.</p> <p>7 So, I'm showing you this. This is where this</p> <p>8 originally appeared.</p> <p>9 Do you know who would have said this about you</p> <p>10 and/or Chief Hayse?</p> <p>11 A. I would probably assume it would be Patrick Easton or</p> <p>12 Matt Furman.</p> <p>13 I was not in the hearing. We were all sequestered.</p> <p>14 So --</p> <p>15 Q. Okay.</p> <p>16 A. I don't know for sure. I don't know who would say that.</p> <p>17 That's my guess.</p> <p>18 Q. So, they're saying, whoever these interviewees are,</p> <p>19 again, you were not asked about these statements by</p> <p>20 Lawrence Jackson; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Had you learned previously that you were being</p> <p>23 accused of calling -- or strike that -- disparaging city</p> <p>24 administrators as being on the take?</p> <p>25 A. I was not aware of -- that I was being investigated</p>
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<p>1 A. Patrick Easton is good friends with Mike Goch.</p> <p>2 Q. And what is Patrick Easton like as an officer?</p> <p>3 A. Troubled.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. He's gotten in a lot of trouble.</p> <p>6 Q. Like what?</p> <p>7 A. Demotion, suspension. He's --</p> <p>8 Q. For what kind of things?</p> <p>9 A. He just had a trial board just recently. He was demoted</p> <p>10 from sergeant to the lowest ranking patrolman.</p> <p>11 Q. Why was that?</p> <p>12 A. Because of his charges in a hit and run and his conduct</p> <p>13 within the department.</p> <p>14 Q. Did you ever work with him?</p> <p>15 A. I worked with him for years.</p> <p>16 Q. What did you observe about his conduct that would make</p> <p>17 you think he was troubled?</p> <p>18 Any examples?</p> <p>19 A. I believe he was normally dishonest, and he did not have</p> <p>20 a good work ethic.</p> <p>21 Q. Okay. You go to the next page, page 3, paragraph 6:</p> <p>22 "All interviewees related hearing Chief</p> <p>23 Hayse and Lieutenant Mike Welch disparaging city</p> <p>24 administrators, including the city council, the</p> <p>25 city attorney as 'being on the take.' They also</p>	<p>1 until Chad Hayse's hearing when they started asking me</p> <p>2 questions directly about me.</p> <p>3 Q. Okay. And what is your response to whether or not you</p> <p>4 disparaged city administrators, including the city</p> <p>5 council and the city attorney -- I guess that would be</p> <p>6 Coogan -- as being on the take?</p> <p>7 A. I don't know where someone would have came up with that.</p> <p>8 Q. Was there talk -- was there talk around the city of Goch</p> <p>9 & Sons giving money or gifts to people in Melvindale in</p> <p>10 order to retain business and get tows?</p> <p>11 A. Well, there were situations where they were trying to</p> <p>12 bring stuff in to the station for the officers, and Chad</p> <p>13 Hayse said that we weren't going to do that and not to</p> <p>14 accept gifts from them.</p> <p>15 Q. Okay. Did you ever call the mayor a "bitch," "whore,"</p> <p>16 "slut" or "cunt" in the presence of other officers in</p> <p>17 the department?</p> <p>18 A. No, I did not.</p> <p>19 Q. Did of you ever hear Chad Hayse call the mayor a</p> <p>20 "bitch," "whore," "slut," "cunt" in the presence of</p> <p>21 other officers in the department?</p> <p>22 A. No, not in the presence -- he had never said anything</p> <p>23 about anyone else disparaging in front of other</p> <p>24 officers.</p> <p>25 Q. Let's go to 7.</p>

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<p style="text-align: right;">Page 93</p> <p>1 "All people interviewed mentioned the 2 background checks done by Chief Hayse on 3 Goch & Sons Towing during the contract bid 4 process. They felt this proved Chief Hayse 5 doesn't like Mike Goch since 'he didn't do 6 that for the old tow company.'"</p> <p>7 A. That's incorrect because he did. He did all his 8 information -- he did all his background checks and all 9 his investigation on both companies, and he presented 10 that, I'm told, to the city council to review, and they 11 wouldn't even look at it.</p> <p>12 Q. Would it be an appropriate thing for the police 13 department to do a background check on a contractor who 14 is going to be working with the police department?</p> <p>15 A. It's very appropriate.</p> <p>16 Q. Okay. Go to Number 9.</p> <p>17 "One interviewee complained that '4 or 18 5 times' Lieutenant Welch skipped over the 19 officers' names and assigned the overtime to 20 himself."</p> <p>21 Who would be saying that?</p> <p>22 A. That would be Pat Easton. He would complain that I 23 wouldn't give him overtime that I was entitled to.</p> <p>24 Q. And what's the response to that?</p> <p>25 What's your response?</p>	<p style="text-align: right;">Page 95</p> <p>1 So, let's talk about the officers in general from 2 your knowledge in the department.</p> <p>3 You were there from the time Furman arrived; 4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So, how did the other officers, from what you 7 observed, view Furman by 2015?</p> <p>8 A. I think a lot of the officers -- I mean, for the most 9 part -- I think for the most part everyone got along 10 until all this stuff started coming to a head, and it 11 caused kind of a rift in the department. I think we 12 pretty much had a decent working relationship, a pretty 13 good working environment. Everyone seemed to get along. 14 We were able to joke around with each other back and 15 forth.</p> <p>16 Once all this stuff with Chad Hayse started 17 underway, it caused a lot of tension in the department 18 and caused a lot of division, and it was mainly Matt 19 Furman and Pat Easton and everyone else. So, they kind 20 of became their own island.</p> <p>21 Q. So, those -- it was them and then it was everybody else? 22 Is that what you're saying?</p> <p>23 A. That's what it appeared to be, yes. A lot of people 24 separated themselves or just kind of stopped talking to 25 those two.</p>
<p style="text-align: right;">Page 94</p> <p>1 A. My response is that it's not true, and I have never 2 worked a minute of overtime that I was not contractually 3 entitled to.</p> <p>4 Q. Do you know what -- if this is Easton, do you know what 5 he's talking about when he says he was skipped over?</p> <p>6 A. No. Just knowing him for 20 years, it sounds like him. 7 I don't know for sure if that is who that is, but 8 if it was me working the overtime, then he's the only 9 other one the overtime can go to, because he's also a 10 supervisor.</p> <p>11 Q. I see.</p> <p>12 A. So, I wouldn't be skipping over patrolmen. It would be 13 allegedly skipping over him.</p> <p>14 Q. I see.</p> <p>15 He never filed a grievance, obviously, about that; 16 correct?</p> <p>17 A. No.</p> <p>18 Q. Nobody ever put anything in writing as far as you're 19 aware about you skipping over people so you could take 20 overtime yourself?</p> <p>21 A. Not that I am aware of, no.</p> <p>22 Q. Number 10 says:</p> <p>23 "All interviewees stated that some fellow 24 officers feared doing something to receive 25 negative treatment similar to Corporal Furman."</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Do you know anything about "Snowgate"?</p> <p>2 Were you involved in that?</p> <p>3 A. That was the situation where we had a snow emergency, 4 and they were supposed to go out and write tickets for 5 vehicles that had not been moved off the roadway after a 6 given -- a certain amount of time and proper warning. 7 And Officer Furman took it upon himself to write on 8 the ticket, "Per the mayor."</p> <p>9 Q. Meaning what?</p> <p>10 A. That -- he was -- he was implying that it was under 11 orders from the mayor to write those people the parking 12 tickets.</p> <p>13 Q. I see. So, that the recipient of the ticket would see 14 "per orders of the mayor"?</p> <p>15 A. Yeah. Probably because he didn't want to do it, so --</p> <p>16 Q. Okay. Number 14 says:</p> <p>17 "Mike Goch said he has tried hard to 18 establish good relations with the MPD." 19 So, obviously he was interviewed. 20 "-- but he thinks that Hayse, Welch and 21 Officer Dietrich don't like him." 22 Do you know what that would be about?</p> <p>23 A. Well, I -- originally when the contract first started, I 24 questioned some of the fees that he was charging, and I 25 spoke to him in person about it and expressed to him</p>

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<p>1 that I -- that some of the stuff I didn't feel was right 2 or appropriate, and that we were charging people more 3 than we should. 4 I was under the impression we hashed everything out 5 and had -- really didn't have any problems with him 6 since. 7 Q. Okay. 8 A. He had always been polite and shook my hand every time I 9 saw him, and -- "How are you doing?" and whatnot. 10 Q. Okay. 11 A. So, I believe after we had a couple conversations, we 12 had a pretty decent professional relationship. 13 Q. Okay. Let's go to the next page. 14 You're going to see "Conclusion Number 1" from 15 Lawrence Jackson. 16 And he says at the top of the page: 17 "After reviewing the documents and speaking 18 to officers --" 19 we don't know who they are other than Furman -- 20 "-- and civilians --" 21 I don't know who that would be -- 22 "-- involved, it seems the recent change 23 can be traced to two factors. 24 Then he has "Fewer Impounded Vehicles." 25 And if you'll read down a couple paragraphs -- take</p>	<p>1 Q. But you see -- go ahead. 2 A. You could definitely lower the number of complaints that 3 you receive. 4 Q. But you can see here that Furman definitely got the 5 attention of the city council because they actually 6 hired somebody to do a written report on why impounds 7 were down and to point out that it's because Furman 8 wasn't doing as many tows. 9 A. His -- are tows down for the year? For the month? For 10 the week? 11 Q. Well, they're down for the time that he apparently was 12 having his petulant moment. 13 A. Well, okay. 14 Q. But you'll see here that what happened is that the 15 result of that was not to tell, by whoever commissioned 16 this, Furman to get back out there and do his job. It 17 was to come down on the chief. 18 A. If you're out there doing your job, and you're using 19 discretion and common sense and being polite to people, 20 the number of complaints you receive will be minimal. 21 If you don't know how to talk to people and you 22 treat people like crap and you don't use discretion, you 23 will get a lot of complaints. 24 There are many ways to handle any situation. 25 Q. All right. Let's go to the next page, which is Bates</p>
Page 98	Page 100
<p>1 your time -- it talks about the absence of Corporal 2 Furman on the day shift was an obvious contributor. 3 It says: 4 "He was absent due to various circumstances 5 August, September and October, and that he 6 accounts for 79 percent of the impounds each 7 month." 8 Take your time. 9 A. Okay. 10 Well, this report just confirms that -- my 11 statement earlier that said when he got in trouble he 12 would stop pulling people over, and he would just tow 13 abandoned, unoccupied vehicles. So, he thought he could 14 stay out of trouble if he didn't have contact with 15 people. Those were his words. 16 So, if he wasn't making as many traffic stops 17 because he was trying to avoid citizen complaints, then 18 that month there may be less. 19 Q. Obviously, an officer can avoid citizen complaints and 20 also do his job; is that correct? 21 A. Sure. 22 Q. By conducting himself properly? 23 A. Yes. Yes. 24 Using some discretion and some compassion and some 25 common sense.</p>	<p>1 1277. 2 "Conclusion Number 2," your name comes up again. 3 "Conclusion Number 2: A vocal campaign 4 of negative comments and actions was reported 5 by all officers." 6 So, again, this is apparently three officers we're 7 talking about here. Four were requested to be 8 interviewed and three were interviewed, one of whom was 9 Furman. 10 It says: 11 "Even Mr. Goch had heard some of the 12 stories regarding the rejection of his food 13 and flower donations." 14 What do you make of that? 15 Did you know -- was this part of the -- 16 A. Well, Mike Goch knew, through his girlfriend, Katie 17 Pope, who worked for the tow company, that we did not 18 want to receive items from the company. He knew that, 19 but they sent them anyways. And I was told that if they 20 brought them after being told not to, to throw them in 21 the garbage, and I did. 22 Q. Okay. Then it says: 23 "The anger and verbal directions from 24 Chief Hayse and Lieutenant Welch are 25 communicated very effectively. The message</p>

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<p style="text-align: right;">Page 101</p> <p>1 is, do not do anything to help Mike Goch in 2 Melvindale." 3 And this goes to you throwing out the baskets, I 4 guess. 5 But do you have a response to that? 6 Since you were never asked at the time, I'm going 7 to ask you today. 8 What is your response to the anger and verbal 9 directions? 10 A. I am unaware of this. And I -- like I had mentioned 11 before, I had had a couple conversations with him at the 12 beginning of the contract in regards to fees assessed to 13 drivers, and I was under the impression we hashed that 14 out. I do not have a problem with Mike Goch. I never 15 had a problem with Mike Goch. 16 Q. And what's the downside to taking gifts? 17 I mean, why is the City -- why is any public person 18 not supposed to take gifts? 19 A. Well, what is expected in return? 20 Q. Yeah. 21 This author continues on the topic of the food in 22 that paragraph, saying: 23 "Such messages have a great impact on 24 officers when delivered by someone with the 25 power over your schedule, overtime, promotion</p>	<p style="text-align: right;">Page 103</p> <p>1 A. It's -- it is the monthly totals of tows, and he's 2 trying to show correlation between what's going on with 3 Officer Furman and the number of tows per month. 4 Q. So, there's nothing in this report analyzing Furman's 5 alleged misconduct. So, the report is geared toward why 6 tows are down. And, obviously, the author finds that 7 tows are down because of Furman either not doing as many 8 tows or being disciplined. 9 Were you, as a lieutenant, ever given, by Coogan or 10 anybody else, the results of this to get your input or 11 to have a discussion with you about the results? 12 A. No. 13 Q. So, nobody came to you and said, "Look, Lieutenant, 14 we've got this report. We want these tows. Get off 15 Furman's back. Let him be Furman," anything like that? 16 A. No. 17 Q. "We don't care if he's using excessive force. We want 18 him to do the tows?" 19 A. No one ever said anything to me about it. 20 Q. But what did happen is that then Chad Hayse was brought 21 up on charges; correct? Shortly after this? 22 A. Yeah. Yes. 23 Q. Having read part of the policy review by Lawrence 24 Jackson and having gone through the hearing, what 25 conclusion do you reach as a long-time officer with the</p>
<p style="text-align: right;">Page 102</p> <p>1 and even your employment. When you see your 2 boss throwing out Christmas --" 3 I'm sorry -- 4 "-- Christmas flowers and trays of muffins 5 and cursing the sender, you get the message." 6 Were you trying to send a message? 7 A. I know. It's silly. 8 Q. Okay. Okay. Let's flip over to page 1278. Let's go 9 down to the bottom under "Lieutenant." 10 "A lieutenant calling the mayor a 'bitch,' 11 'whore,' 'cunt,' 'slut' in front of 12 subordinates -- would seem to conflict with 13 this section." 14 Talking about obedience and so on. 15 Again, nobody asked you about that; correct? 16 A. No. 17 Q. Okay. And then if you'll go over to something that 18 looks like this, Lieutenant. This is "Appendix A, 19 Towing Time Line," beginning with the Goch & Son 20 contract. 21 And apparently it shows that tows are down when 22 Furman is either away or there's a -- something else 23 going on with Furman. I'm not sure. 24 Do you understand what this shows, like May, June 25 and July?</p>	<p style="text-align: right;">Page 104</p> <p>1 City of Melvindale about what Lawrence Coogan and the 2 city council were trying to do here? 3 MS. BALIAN: Objection. Calls for speculation. 4 Lack of foundation. 5 BY MS. GORDON: 6 Q. Go ahead. 7 A. It would appear to me that the City was going after Chad 8 Hayse for disciplining Matt Furman. 9 Q. Why? 10 A. Because Matt Furman made the City a lot of money. 11 (Discussion held off the record.) 12 BY MS. GORDON: 13 Q. Is there a social media policy that you are aware of at 14 the City with regard to what you could post or not post 15 anywhere? 16 A. I think there may be something, but I don't remember the 17 guidelines of what is stated. 18 Q. Okay. I want to go back to this Lawrence Jackson report 19 to Recommendation Number 4, page 1278. 20 This is under honesty and integrity. 21 Okay. This report says under Recommendation 4, 22 about the fourth paragraph down: 23 "First, the reports that the chief denied 24 any involvement in either problem. Then he is 25 reported to have recanted and admitted</p>

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<p style="text-align: right;">Page 105</p> <p>1 responsibility in both cases."</p> <p>2 I assume you don't know who is reporting this; is</p> <p>3 that correct?</p> <p>4 A. No. I'm unaware of any reports regarding either</p> <p>5 situation.</p> <p>6 Q. Were you aware of the chief ever taking bribes?</p> <p>7 A. No.</p> <p>8 Q. Okay. So, you were suspended shortly after you gave</p> <p>9 testimony at the Chad Hayse hearing; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did you testify more than once or one time?</p> <p>12 A. One time.</p> <p>13 (Discussion held off the record.)</p> <p>14 BY MS. GORDON:</p> <p>15 Q. Do you remember roughly how long you testified for?</p> <p>16 A. Might have been 15, 20 minutes long.</p> <p>17 Q. Okay. So, you were questioned by Chad Hayse.</p> <p>18 Do you remember?</p> <p>19 A. He attempted to ask me questions.</p> <p>20 Q. Okay. What do you mean by that?</p> <p>21 A. Well, oftentimes when he would start asking me a</p> <p>22 question, I was told not to answer.</p> <p>23 Q. By?</p> <p>24 A. Or talked over.</p> <p>25 By corporate counsel.</p>	<p style="text-align: right;">Page 107</p> <p>1 because I was the one that wrote up Officer Furman,</p> <p>2 which directly corresponds with the reason why they went</p> <p>3 after Chad Hayse.</p> <p>4 Q. Okay. So, I'm going to just go over with you your</p> <p>5 questions and answers. I think Elizabeth went to get</p> <p>6 another copy of this document, but here is the first</p> <p>7 question from Chad Hayse:</p> <p>8 "Question: Lieutenant Welch, have you ever</p> <p>9 heard me tell yourself or any other officer under</p> <p>10 your command not to tow cars?</p> <p>11 "Answer: --"</p> <p>12 MS. BALIAN: What page are you on, Deb?</p> <p>13 MS. GORDON: Yep. This is page 144.</p> <p>14 BY MS. GORDON:</p> <p>15 Q. (Reading.)</p> <p>16 "Answer: No, I have not."</p> <p>17 Okay. So, I'll stop right there.</p> <p>18 A. That is accurate.</p> <p>19 Q. Okay. Next:</p> <p>20 "Question: Okay. And has anybody in your</p> <p>21 command, be it a sergeant, corporal or officer</p> <p>22 on your shift, ever come to you and said that I</p> <p>23 advised them not to tow cars?</p> <p>24 Answer: They have not."</p> <p>25 Is that correct?</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. Okay. Do you remember "Official" -- somebody referred</p> <p>2 to here as "Official Guzall," G-u-z-a-l-l, being</p> <p>3 present?</p> <p>4 A. There was a guy sitting up there with the city council.</p> <p>5 I had no idea who he was.</p> <p>6 Q. Okay. So, you were subsequently accused -- at least</p> <p>7 this is what I've been told in this room by people from</p> <p>8 the City under oath -- of being a liar --</p> <p>9 A. Yes.</p> <p>10 Q. -- based on what you said at this meeting.</p> <p>11 A. Yes.</p> <p>12 Q. That came to your attention, too, I assume; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Because you were disciplined; correct?</p> <p>15 A. Correct.</p> <p>16 Q. You were disciplined -- I'll put it in my words.</p> <p>17 You were disciplined for coming in and saying</p> <p>18 things that did not comport with the city council's view</p> <p>19 of wanting to get rid of Chad Hayse?</p> <p>20 In other words, they were --</p> <p>21 A. I was -- I attempted to testify in support of Chad</p> <p>22 Hayse, yes.</p> <p>23 Q. Okay. Did you feel you were retaliated against for</p> <p>24 offering such testimony after you did so?</p> <p>25 A. Yes. And I believe that I was retaliated against</p>	<p style="text-align: right;">Page 108</p> <p>1 A. That is correct.</p> <p>2 Q. Page 145:</p> <p>3 "Question: Lieutenant, have you ever heard</p> <p>4 me make disparaging remarks regarding any public</p> <p>5 official, appointed official, or Michael Goch</p> <p>6 from Goch & Sons Towing?</p> <p>7 "Answer: Not direct.</p> <p>8 We've had personal conversations in regard</p> <p>9 to the way the tow contract had been warranted</p> <p>10 but no personal attacks in front of anybody</p> <p>11 else. In personal conversation, yes."</p> <p>12 Is that a correct statement?</p> <p>13 A. That is correct.</p> <p>14 Q. (Reading.)</p> <p>15 "Question: Never heard me come up to the</p> <p>16 front desk and make any sort of announcement or</p> <p>17 disparaging remark about not towing vehicles</p> <p>18 because Goch & Sons was our tow provider as of</p> <p>19 June 2015?"</p> <p>20 "Answer: Absolutely not. In fact, you</p> <p>21 had offered an incentive to officers to tow</p> <p>22 cars."</p> <p>23 Is that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. What was the incentive you were referring to?</p>

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<p style="text-align: right;">Page 109</p> <p>1 A. I approached Chad Hayse with an idea. We have a traffic 2 detail. While an officer is working, the officers are 3 required to produce. We can't pay them to just be out 4 driving around. Their minimum level of activity is two 5 moving violations per hour. 6 I got -- I brought the idea to Chad that we would 7 let the officers consider towing a vehicle part of their 8 stat, which would encourage people to tow more cars. 9 Q. Okay. 10 "Question: --" 11 Also on page 145 of the transcript, and I should 12 give the date. October 26, 2017. 13 "Question: Okay. Since I became chief -- 14 interim chief in 2012 and named permanent chief 15 in June of 2012, would you say we've towed more 16 cars or fewer cars since that time per year?" 17 Your answer: 18 "Answer: We've probably went from around 19 200 cars to year -- a year to well over 1,000." 20 Is that a -- 21 A. Yes. 22 Q. -- correct statement? 23 Okay. Page 146. 24 "Question: And the number of vehicles 25 towed, is there -- is there any result of the</p>	<p style="text-align: right;">Page 111</p> <p>1 "Question: And did he -- has he listened 2 to your suggestions, or did he continue in the 3 way he --" 4 Objection from Mr. Coogan: 5 "MR. COOGAN: Okay. This is not about 6 Corporal Furman. Ask you to move on, sir. 7 not relevant." 8 "OFFICER GUZALL: We're not here to discuss 9 Corporal Furman's issues. We're here to discuss 10 the issues of -- alleged against you, sir, so 11 you can keep to those issues within the 12 complaint so we can move on, that would be great. 13 "CHIEF HAYSE: All right." 14 Question from Chief Hayse: 15 "Question: Have you read a memorandum --" 16 strike that. 17 So, you never got to answer the question with 18 regard to the conversations you had had with Furman; 19 correct? 20 A. I believe so. I -- 21 Q. You've lost the train here? 22 So, the question -- 23 A. Well, yeah. No, did -- 24 MS. BALIAN: I'll just say the document speaks for 25 itself. We don't have to go over question, answer,</p>
<p style="text-align: right;">Page 110</p> <p>1 number of vehicles towed with the amount of 2 work that you do as a lieutenant at the desk? 3 "Answer: Working on the desk when someone 4 is towing eight or ten cars during the course 5 of my day increases my workload dramatically." 6 Is that a correct statement? 7 A. Yes. 8 Q. (Reading.) 9 "Question: Okay. And as a result of 10 more cars being towed, does that also mean 11 there are more cars at the car auction? 12 "Answer: Yes." 13 Is that a correct statement? 14 A. Yes. 15 Q. Okay. 16 "Question: Have you had any conversations 17 with Corporal Furman regarding the number --" 18 excuse me -- 19 "-- regarding the manner in which he tows 20 vehicles? 21 "Answer: Numerous conversations with 22 Corporal Furman." 23 Is that a correct statement? 24 A. Yes. 25 Q. Question from Chief Hayse:</p>	<p style="text-align: right;">Page 112</p> <p>1 question, answer, question, answer. 2 BY MS. GORDON: 3 Q. Go ahead. 4 A. Yeah. I would assume that the document is correct. I 5 don't remember the exact verbiage. 6 BY MS. GORDON: 7 Q. Okay. So, next question is: 8 "Question: Have you read a memorandum put 9 out on April 26th? It's labeled as Plaintiff's 10 Exhibit 4. Have you seen that document? 11 "Answer: Yes, I have. It was posted at 12 the desk. 13 "Question: Did you have an opportunity to 14 discuss the history of that document with me, 15 with myself? 16 "Answer: I believe I spoke with you before 17 I put -- you put it out. 18 "Question: What was the basic synopsis of 19 the discussion that we had? Not necessarily 20 what's in the document but what we discussed 21 back -- 22 "Answer: Well, what we had discussed was 23 an effort to try to get to have this officer 24 change the way that he does things and use 25 better discretion."</p>

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<p style="text-align: right;">Page 113</p> <p>1 Is that a correct answer on your part?</p> <p>2 A. Yes.</p> <p>3 Q. I'll hand you the deposition transcript, Lieutenant.</p> <p>4 Okay. So, now --</p> <p>5 A. Where are we here?</p> <p>6 Q. We're on page 147, where you say:</p> <p>7 "Answer: Well, what we had discussed was</p> <p>8 an effort to try to get to have this officer</p> <p>9 change the way he does things and use better</p> <p>10 discretion."</p> <p>11 Is that a correct statement by you?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And was that document the one we referred to</p> <p>14 earlier in this deposition, instructing Officer Furman</p> <p>15 to contact the desk before he called for a tow?</p> <p>16 A. Yes, that is the document.</p> <p>17 Q. Okay. Then we go down to 148, and Mr. Coogan is</p> <p>18 questioning you. And he says:</p> <p>19 "Question: I'll cut to the chase. You're</p> <p>20 familiar with the Constitution of the United</p> <p>21 States?"</p> <p>22 You say:</p> <p>23 "Answer: Absolutely."</p> <p>24 And then he asks you:</p> <p>25 "Question: You understand -- can you</p>	<p style="text-align: right;">Page 115</p> <p>1 A. No.</p> <p>2 Q. Okay. And then you went on to try to explain.</p> <p>3 If you'll read the next several lines?</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And you were told you can't answer that question?</p> <p>7 A. Yes, I recall -- I recall that part of the conversation.</p> <p>8 Q. All right. Now, let's go to page 149, where you are now</p> <p>9 asked on the bottom of 149, line 23. This is by</p> <p>10 Official Guzall.</p> <p>11 "Question: Okay. And did -- in this</p> <p>12 personal conversation that you say you had with</p> <p>13 the chief in regards to Goch & Sons, did he say</p> <p>14 any derogatory things about Goch & Sons?"</p> <p>15 Your answer was:</p> <p>16 "Answer: No."</p> <p>17 Is that a correct statement?</p> <p>18 A. What is -- define "derogatory."</p> <p>19 Q. Okay. At the time you said this, you believed your</p> <p>20 answer was correct?</p> <p>21 A. At the time, yes.</p> <p>22 Q. Okay.</p> <p>23 A. I don't -- you could say "he's wearing a silly hat</p> <p>24 today" and you can consider that derogatory. I don't</p> <p>25 know what he meant.</p>
<p style="text-align: right;">Page 114</p> <p>1 enforce laws based upon age and gender?"</p> <p>2 And you say:</p> <p>3 "Answer: Laws based on gender?"</p> <p>4 And you say you would not do so.</p> <p>5 Do you see that on there?</p> <p>6 MS. BALIAN: Where are you?</p> <p>7 MS. GORDON: On page 148.</p> <p>8 A. Number -- line 10?</p> <p>9 BY MS. GORDON:</p> <p>10 Q. Line 18.</p> <p>11 A. 18.</p> <p>12 Okay.</p> <p>13 Q. Do you recall --</p> <p>14 MS. BALIAN: On page 148?</p> <p>15 MS. GORDON: Right.</p> <p>16 A. All right. I'm not sure if we're looking at the same</p> <p>17 thing here.</p> <p>18 You said line 18 on page 148?</p> <p>19 BY MS. GORDON:</p> <p>20 Q. Yeah.</p> <p>21 You said you would not do so, that you would not</p> <p>22 enforce --</p> <p>23 A. -- law based on age and gender.</p> <p>24 Q. -- on age and gender.</p> <p>25 And you said you would not do so?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Okay. On the next page, 150, the question is:</p> <p>2 "Question: Okay. So, what other officers</p> <p>3 have testified in regards to negative comments</p> <p>4 as to Goch & Sons being made by the chief of</p> <p>5 police, you're saying you have not heard those</p> <p>6 comments; correct?"</p> <p>7 Your answer:</p> <p>8 "Answer: I have not heard those comments,</p> <p>9 no, sir."</p> <p>10 Did you know what was being referred to there?</p> <p>11 A. What other officers have testified with regard to</p> <p>12 negative comments -- I'm not exactly sure what he's</p> <p>13 talking about.</p> <p>14 Q. Okay. And you say:</p> <p>15 "Answer: I have not heard those comments,</p> <p>16 no, sir."</p> <p>17 A. He's asking me if I'm aware of other officers testifying</p> <p>18 in regards to negative comments.</p> <p>19 I wasn't in the hearing so I don't know what anyone</p> <p>20 else said.</p> <p>21 So, no, I haven't heard those comments because I</p> <p>22 was not present in the room.</p> <p>23 Q. Okay. Then there's a question to you:</p> <p>24 "Question: So, Chief Hayse has not often</p> <p>25 ordered officers to not make that, quote,</p>

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<p style="text-align: right;">Page 117</p> <p>1 unquote, 'fucking Goch' any more money'? You</p> <p>2 haven't heard that from --"</p> <p>3 And you say:</p> <p>4 "Answer: No, I have not."</p> <p>5 A. That is correct.</p> <p>6 Q. (Reading.)</p> <p>7 "Question: You haven't heard that</p> <p>8 comment from any other officers?</p> <p>9 "Answer: From any other officers --</p> <p>10 "Question: Yeah.</p> <p>11 "Answer: -- or from Chad Hayse?</p> <p>12 "Question: Have any other officers told</p> <p>13 you that Chief Hayse made those statements?"</p> <p>14 And you said:</p> <p>15 "Answer: No, they have not."</p> <p>16 Was that a true statement?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Were you -- that's all I can see of your answers</p> <p>19 from this day in -- at the hearing.</p> <p>20 I guess there's one more from Councilman Louvet on</p> <p>21 page 151 -- I'm sorry. I missed this -- where he says:</p> <p>22 "Question: Lieutenant Welch?"</p> <p>23 You say:</p> <p>24 "Answer: Yes, sir.</p> <p>25 "Question: You testified that not only the</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. Strike that.</p> <p>2 When did they tell you this?</p> <p>3 A. I didn't find out about it until the -- these</p> <p>4 accusations until they served me with the paperwork for</p> <p>5 a trial board.</p> <p>6 Q. This is obviously your first trial board?</p> <p>7 A. First time I had ever been in trouble.</p> <p>8 Q. You brought some documents with you today per my</p> <p>9 subpoena; is that correct?</p> <p>10 A. Yes. Some documents were requested, and I brought them</p> <p>11 with me.</p> <p>12 Q. Do you have them with you?</p> <p>13 A. I have some -- the originals, yes.</p> <p>14 MS. GORDON: Yeah, okay. I'm going to mark a copy</p> <p>15 I have as Exhibit 1 and ask you if this is what you</p> <p>16 brought.</p> <p>17 (Deposition Exhibit 1 marked</p> <p>18 for identification.)</p> <p>19 BY MS. GORDON:</p> <p>20 Q. It's three pages.</p> <p>21 A. It would be four pages total.</p> <p>22 Q. Four pages. Thank you.</p> <p>23 A. Yes. Those are the documents --</p> <p>24 Q. The first page is dated January 11, 2018. It's a</p> <p>25 letter.</p>
<p style="text-align: right;">Page 118</p> <p>1 chief never told anybody not to tow, but he gave</p> <p>2 him incentives. And councilman just asked the</p> <p>3 question of the chief, and he said no. So, could</p> <p>4 you elaborate on the incentives --</p> <p>5 "Answer: Towing the vehicles --"</p> <p>6 You say:</p> <p>7 "Answer: Yes, sir. Towing the vehicles</p> <p>8 while working traffic enforcement is you're</p> <p>9 allowed to consider that part of your stats.</p> <p>10 "Question: Okay.</p> <p>11 "Answer: So, I guess you can't encourage</p> <p>12 people to tow and discourage them at the same</p> <p>13 time I guess is my point."</p> <p>14 Is that a correct statement by you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So, are you aware that you have been accused of</p> <p>17 lying under oath at that hearing?</p> <p>18 A. Yes.</p> <p>19 Q. What did you become aware of in that regard?</p> <p>20 A. Well, I was accused by the Safety Commission and</p> <p>21 corporate counsel of lying in my testimony.</p> <p>22 I really didn't know what they were talking about,</p> <p>23 and I stand by what I testified to.</p> <p>24 Q. What did they tell you?</p> <p>25 A. Well, they --</p>	<p style="text-align: right;">Page 120</p> <p>1 MS. BALIAN: Do you have a copy?</p> <p>2 MS. GORDON: Yeah, that's your copy.</p> <p>3 MS. BALIAN: Yeah.</p> <p>4 MS. GORDON: Okay.</p> <p>5 BY MS. GORDON:</p> <p>6 Q. The second is a "Complaint for Suspension, Demotion</p> <p>7 and/or Termination of Michael Welch," and the third is</p> <p>8 apparently a statement.</p> <p>9 Have you got your originals there?</p> <p>10 A. I'll pull them back out.</p> <p>11 Q. So, there has been testimony in this case, Lieutenant,</p> <p>12 on multiple occasions that you retracted or recanted all</p> <p>13 of your -- all of your testimony at that hearing, and</p> <p>14 that you cannot be believed because you went under oath</p> <p>15 and you lied.</p> <p>16 That's been the testimony in this case from</p> <p>17 multiple people, including Furman.</p> <p>18 A. Okay.</p> <p>19 Q. And Barnes.</p> <p>20 And I believe Striz said that as well.</p> <p>21 So, I'd like to find out from you of what happened</p> <p>22 in that regard.</p> <p>23 After the hearing, when you testified the way I</p> <p>24 just read it into the record, in October, what was the</p> <p>25 next thing that you heard about the hearing?</p>

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1 Did you hear that the chief -- I assume you heard,
2 obviously, that he was terminated?
3 A. Chad had texted me the night that he was terminated and
4 he advised me that the City was coming after me next.
5 Q. Okay. And were you surprised he was terminated?
6 A. No. I -- regardless of what he said or did, I was
7 confident they were going to fire him.
8 Q. And why did you think they were going to fire him
9 regardless of what he said or did?
10 A. Just based upon my observations in the hearing that he
11 wasn't going to get a fair shake.
12 Q. Okay. Did anybody speak to you about your testimony
13 before you went in there? Did you get with -- did
14 Coogan want to know from you what you were going to
15 testify to?
16 A. I did not speak with Larry Coogan before the hearing.
17 Q. So, you were then suspended -- I mean, the termination
18 proceeding was --
19 (Discussion held off the record.)
20 BY MS. GORDON:
21 Q. Okay. I -- you know, the date I read into the record, I
22 think, was the date the transcript was typed. I think
23 the hearing was actually August 29, 2016. So, I
24 misspoke earlier. The transcript is dated October.
25 So, August 29th was the termination proceeding.

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1 That's when Chad Hayse was terminated.
2 And then shortly thereafter, you learned he was
3 gone and that you would be next.
4 What's the next thing that you heard?
5 Were you feeling uncomfortable around the station?
6 Did anybody tell you they thought you were a liar?
7 What happened?
8 A. No one said anything directly, but I could feel there
9 was definitely a lot of tension because of his
10 termination in the station. Things were pretty turned
11 up on end, I guess you could say. I didn't know for
12 sure until Larry Coogan came into the station and served
13 me with papers.
14 Q. Okay. And when was that?
15 A. Probably close to corresponding with the date on the
16 form. It was early September.
17 Q. Okay. And what did Larry Coogan say to you?
18 A. He passed it through the window and told me to call him
19 if I had any questions.
20 Q. And is page 2 of Exhibit 1 that document that he gave
21 you?
22 A. Yes.
23 Q. Had there been -- before you were handed this Complaint
24 for Suspension, Demotion and/or Termination, am I
25 correct that there had never been an investigation done

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1 that you were aware of?
2 A. The department rules and regulations state that the
3 chief of police shall conduct an investigation of any
4 complaints. And therefore after conducting that
5 investigation, they are to submit their findings to the
6 Public Safety Commission.
7 That never happened. In my hearing, it was asked
8 why that procedure was not followed. Mr. Coogan's
9 statement was it was of his opinion that Interim Chief
10 John Allen did not count because he was an interim
11 chief, and they decided to conduct their own
12 investigation.
13 However, during that time of John Allen being
14 interim chief, he investigated and disciplined two other
15 officers.
16 Q. Who were they?
17 A. It would be Zach Blunden and Robert McCoy.
18 Q. Okay. And who -- so, when Larry Coogan said, "So, they
19 did the investigation," do you know who he was referring
20 to?
21 A. I heard from other officers that Jason Ortiz had been
22 into the station, interviewing officers.
23 Q. Do you know who he interviewed?
24 A. I -- I believe John Ginther and maybe Rhman Hamayun,
25 people that weren't even on my shift. They were

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1 afternoon-shift people.
2 Q. You know, we covered a little bit earlier today with
3 regard to Mark Furman's discipline where Furman was
4 asked to respond in writing by Hayse --
5 A. Yes.
6 Q. -- to the allegations against him.
7 Do you recall what I'm talking about --
8 A. Well, when --
9 Q. -- that Furman was given a chance to respond to the
10 concerns that the chief had raised?
11 A. Right.
12 Whenever -- whenever there's an issue, there's a
13 complaint or someone is being accused of something, they
14 are -- the officer is requested to respond in writing to
15 the allegations.
16 Q. That never happened with you?
17 A. No.
18 Q. Okay. All right. So, let's go through the document.
19 Let's look at the Complaint.
20 So, here is what Mr. -- I don't know if Coogan
21 wrote this up, but Bolton signed it. It says:
22 "The reason for discipline is including,
23 but not limited to, the following:
24 1. Making unprofessional comments in the
25 presence of subordinates and others

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<p style="text-align: right;">Page 125</p> <p>1 that:</p> <p>2 A. The owner of Goch & Sons Towing</p> <p>3 Company is a crook."</p> <p>4 Okay. So, you had already been questioned about</p> <p>5 that at the hearing under oath; correct? From whatever</p> <p>6 I read into the record?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 MS. BALIAN: Do you have a copy or not? You said,</p> <p>10 "just a minute."</p> <p>11 MS. GORDON: Oh. I thought I handed one over</p> <p>12 there.</p> <p>13 A. You gave one to me.</p> <p>14 MS. BALIAN: You did. You marked one as an exhibit</p> <p>15 and gave it to him.</p> <p>16 MS. GORDON: Okay. Do you have your original</p> <p>17 handy?</p> <p>18 If you don't, I'll get a copy.</p> <p>19 A. The original of my paperwork?</p> <p>20 MS. GORDON: What you brought today. Yeah.</p> <p>21 A. Yes, I have the original.</p> <p>22 MS. GORDON: Okay. So, where is the copy then?</p> <p>23 Right there, Melinda. Right there. You can look</p> <p>24 at the exhibit, and the witness has his own copy.</p> <p>25 MS. BALIAN: I just want to mark it up because I'm</p>	<p style="text-align: right;">Page 127</p> <p>1 presence of subordinates and others that:</p> <p>2 A. The owner of Goch & Sons Towing</p> <p>3 Company is a crook."</p> <p>4 So, I'll stop there.</p> <p>5 Did you make that comment in the presence of</p> <p>6 subordinates and others?</p> <p>7 A. The only statements I ever made about the tow company is</p> <p>8 that I believe that we were not charging people the</p> <p>9 money that we should or we were charging them too much.</p> <p>10 I took issue with that.</p> <p>11 Q. Okay.</p> <p>12 A. Mike Goch, as a person, I didn't really know him, and</p> <p>13 I -- at that point, I -- I had nothing to base</p> <p>14 anything -- any type of statement like that on. I had</p> <p>15 no real issue with him.</p> <p>16 I had issue with the amount of money that we were</p> <p>17 charging people, and I had run into issues with the</p> <p>18 ladies in the office and wanting to tack on fees and</p> <p>19 stuff. And I had a few conversations with his</p> <p>20 employees, and, you know, refused to collect some money</p> <p>21 that I didn't feel was proper.</p> <p>22 Q. Okay. (B), did you ever say the mayor of -- did you</p> <p>23 ever say in the presence of subordinates and others that</p> <p>24 "The mayor of Melvindale is taking bribes"?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 126</p> <p>1 going to question him on it, so I want to be able to</p> <p>2 make notes on it. So --</p> <p>3 MS. GORDON: Okay. Then I'll trade with you.</p> <p>4 MS. BALIAN: Okay. Thanks.</p> <p>5 MS. GORDON: Uh-huh.</p> <p>6 (Discussion held off the record.)</p> <p>7 MS. GORDON: Okay. Does that have my notes on it?</p> <p>8 I don't think I took any notes on that.</p> <p>9 Is that highlighted?</p> <p>10 MS. BALIAN: "What about fees --"</p> <p>11 MS. GORDON: Right here. All right. We'll get you</p> <p>12 a copy. I'll just sit for a second.</p> <p>13 Did you need a water or anything?</p> <p>14 A. I could use a restroom.</p> <p>15 MS. GORDON: Yeah, let's take a restroom break</p> <p>16 while we get a copy.</p> <p>17 (Short recess at 12:50 p.m.)</p> <p>18 * * *</p> <p>19 (Record resumed at 1:02 p.m.)</p> <p>20 BY MS. GORDON:</p> <p>21 Q. Okay. Let's go to the document, which is Exhibit 1.</p> <p>22 So, here we are. It's the reasons for your</p> <p>23 discipline. It's dated the 7th of September. And the</p> <p>24 first one is -- the first reason is you were apparently:</p> <p>25 "1. Making unprofessional comments in the</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. C -- 1(C), did you ever say in the presence of</p> <p>2 subordinates and others that the city council and the</p> <p>3 city attorney are "on the take"?</p> <p>4 A. No.</p> <p>5 Q. (D), did you ever make "vulgar, sexist comments about</p> <p>6 the mayor and others" in the presence of subordinates</p> <p>7 and others?</p> <p>8 A. No.</p> <p>9 The mayor has always actually been very nice to me.</p> <p>10 Q. Let's go to Number 2.</p> <p>11 This is -- Number 2 says the following:</p> <p>12 "2. Lying to mayor and city council at a</p> <p>13 public hearing on or about 8-29-2016."</p> <p>14 Did anybody tell you what your lies allegedly were?</p> <p>15 A. No. No one told me what they were.</p> <p>16 Q. And this is the testimony that we've just covered a</p> <p>17 little while ago in this deposition. We just went</p> <p>18 through the transcript?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 "3. Violation of Melvindale Police</p> <p>22 Department rules and regulations,</p> <p>23 Section 5-Lieutenant."</p> <p>24 Do you know what that is referring to?</p> <p>25 A. I would assume that these sections listed are</p>

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<p style="text-align: right;">Page 129</p> <p>1 referencing the allegations in 1 and 2.</p> <p>2 Q. What do you mean?</p> <p>3 A. That -- that this -- this section in the rules and</p> <p>4 regulations has to do with professional conduct and</p> <p>5 responsibilities, and they are tying this back to the</p> <p>6 allegations in Number 1 and Number 2.</p> <p>7 Q. Okay.</p> <p>8 "4. Violation of operating policy of</p> <p>9 the Melvindale Police Department:</p> <p>10 On equal protection of the law."</p> <p>11 Did anybody tell you what that was referring to?</p> <p>12 A. No.</p> <p>13 Q. Did you ever violate anybody's equal protection of the</p> <p>14 law that you were aware of?</p> <p>15 A. No.</p> <p>16 Q. Did you ever instruct anybody else to do so?</p> <p>17 A. No.</p> <p>18 Q. Okay. The next one is on loyalty.</p> <p>19 Did anybody ever tell you what your lack of loyalty</p> <p>20 was?</p> <p>21 A. No.</p> <p>22 Q. Next, on "Management of the Department," were you ever</p> <p>23 given any specifics of how you violated operating policy</p> <p>24 of the Melvindale Police Department with regard to</p> <p>25 management of the department?</p>	<p style="text-align: right;">Page 131</p> <p>1 "On the impounding of violators'</p> <p>2 vehicles."</p> <p>3 That you somehow -- this goes back to "4.</p> <p>4 Violation of operating policy."</p> <p>5 So, what would you have violated on operating</p> <p>6 policy with regard to the impounding of violators'</p> <p>7 vehicles?</p> <p>8 A. I have no idea.</p> <p>9 Q. You don't know what that's talking about?</p> <p>10 A. No.</p> <p>11 Q. Go down to the next paragraph.</p> <p>12 Did you ever form the opinion or belief that you</p> <p>13 had undermined morale and functionality of the</p> <p>14 department?</p> <p>15 A. No.</p> <p>16 Q. Did anybody ever tell you that?</p> <p>17 A. No.</p> <p>18 Q. Did you get along well with the officers that reported</p> <p>19 to you, generally speaking?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. Okay. Let's go to the last sentence, which is pretty</p> <p>22 instructive, at least with regard to my point of view.</p> <p>23 "Further, such comments may have caused</p> <p>24 some of the officers to be leery of towing</p> <p>25 vehicles for fear of reprimand by ranking</p>
<p style="text-align: right;">Page 130</p> <p>1 A. No.</p> <p>2 Q. You've already testified you were never written up in</p> <p>3 any way.</p> <p>4 Is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And that would include for management of the department;</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you've worked for many other chiefs other than Chad</p> <p>10 Hayse; is that correct?</p> <p>11 A. A sheriff with my prior job with Wayne County Sheriff's</p> <p>12 Department, John Difatta and Rick Cadez. So, yeah.</p> <p>13 Q. Okay. And then the next says:</p> <p>14 "4. Violation of operating policy of the</p> <p>15 Melvindale Police Department:</p> <p>16 On the responsibilities of supervision."</p> <p>17 Did anybody ever tell you what that was involving?</p> <p>18 A. No.</p> <p>19 Q. Were you ever told you were not acting properly as a</p> <p>20 supervisor?</p> <p>21 A. No.</p> <p>22 Q. Did anybody ever complain about you as a supervisor</p> <p>23 other than perhaps Mark(sic) Furman?</p> <p>24 A. Not to my knowledge, no.</p> <p>25 Q. Next says:</p>	<p style="text-align: right;">Page 132</p> <p>1 officers."</p> <p>2 Do you agree that goes directly to the fact that</p> <p>3 the City wanted Matthew Furman to continue to tow as</p> <p>4 many vehicles as possible, no matter what his conduct</p> <p>5 was?</p> <p>6 A. Well --</p> <p>7 MS. BALIAN: Objection. Calls for speculation.</p> <p>8 Lack of foundation.</p> <p>9 BY MS. GORDON:</p> <p>10 Q. Go ahead.</p> <p>11 A. It would imply that they were worried about the total</p> <p>12 number department-wide.</p> <p>13 I'd also like to comment that when we talked about</p> <p>14 the incentive to write -- to tow vehicles, oftentimes</p> <p>15 when Matt Furman was in on his days off, and he would</p> <p>16 come in and work traffic, I would also let him leave</p> <p>17 early. So, oftentimes, he would come in and put in for</p> <p>18 eight hours when he may have only worked six.</p> <p>19 So, there was a whole lot of incentive for him.</p> <p>20 And to say that I was trying to dissuade people from</p> <p>21 towing cars is completely false.</p> <p>22 Q. You just wanted it to be done in a manner --</p> <p>23 A. Instead -- I just -- I wanted him to do his job, but I</p> <p>24 wanted him to do it right.</p> <p>25 Q. Okay. Now, this statement says that your comments may</p>

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1 have caused some of the officers to be leery of towing
2 for fear of reprimand.
3 Did anybody ever tell you that they were leery of
4 towing vehicles, leaving aside Furman?
5 A. No.
6 Q. Did any other officer ever really even talk about the
7 towing of vehicles?
8 I mean, was this a topic of conversation with
9 anybody?
10 A. Towing of vehicles was only an issue for Officer Furman,
11 not any other officer in the department.
12 Q. Okay. Let's go to the next page.
13 Tell us what the -- it's a page and a half. It's
14 typed up.
15 What is this, Lieutenant?
16 A. When -- on the date of -- after consulting with the
17 union attorney, my union rep, I come to the conclusion
18 that, after seeing what happened to Chad Hayse, that
19 irregardless of what I did or allegedly did, that they
20 were going to fire me and let me fight for my job back.
21 I was very confident of that.
22 I decided that we would try and get them to suspend
23 me so I could save my job and my pension. I was about
24 less than two years from retirement.
25 If I were to not leave on time, if I were to be

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1 terminated, I would have to wait another nine and a half
2 years to draw my pension, 59 and a half versus 50.
3 Q. And you thought they were serious about termination?
4 A. Oh, absolutely. Yeah. I was convinced they were going
5 to fire me.
6 So, we went into the hearing, and we offered to
7 make a deal. I prepared a statement, that we have here,
8 in response to the allegations against me. I read this
9 to the city council and the city attorney. They asked
10 me some more follow-up questions that kind of correspond
11 with this document here that they talked to anonymous
12 people.
13 Q. And by "this document here," you're referring to the
14 Jackson report?
15 A. Yes.
16 Q. Lawrence Jackson?
17 A. Yes. There are quite a few things listed in that
18 document that they referenced in my disciplinary
19 hearing, and I did address those with the safety
20 commissioners.
21 Q. Okay. You said those were not true?
22 A. That what --
23 Q. The things you were accused of?
24 A. The -- no, they're not true.
25 So, I addressed these allegations against me, and

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1 they agreed. I gave them the offer of 30 days'
2 suspension, and I would not grieve the suspension. They
3 went back and forth a couple times. Two of them were
4 openly calling for my dismissal, two of the five. Come
5 to find out later, there were actually three, and my
6 assumptions were correct.
7 Q. Who were they?
8 A. Well, the two that I know of that said it in front of me
9 that they wanted me terminated was Martha McDaniels and
10 Jason Ortiz.
11 I don't know who the third person was. But Patty
12 Hall, who also sits on the Safety Commission, told me
13 after the hearing while we were going in and out of
14 chambers that there was a third person that was opting
15 for me to be terminated. So, my assumptions were
16 correct.
17 Q. Did you have an idea on why these three people wanted
18 you terminated?
19 Was it that they believed this write-up, or was it
20 for some other reason?
21 A. I don't know.
22 I know Martha McDaniels is a very close friend of
23 Pat Easton, so probably whatever Pat Easton said, she'd
24 probably buy.
25 And I know that oftentimes the city council and the

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1 safety commissioners go back on -- make their decisions
2 upon what the city attorney says.
3 Q. And Coogan was in favor of you being terminated as far
4 as you were aware?
5 A. Yes.
6 Q. Okay. Now, with regard to your statement, here you had
7 been accused of lying under oath at a hearing; right?
8 A. Correct.
9 Q. Okay. You did not have a transcript, as I believe you
10 have said.
11 A. I wasn't allowed to see the transcript.
12 Q. Was there a transcript?
13 A. Well, there was a recording of Chad Hayse's hearing.
14 Q. Okay. So, when you're now writing your comments, you
15 are relying on what you are being told by the mayor
16 about what you said at the hearing. Do I have that
17 right?
18 A. Correct. I had spoke with the mayor the day before my
19 hearing, and she -- Dan Jones and Don Meador were
20 present. They're the other union guys.
21 Q. Okay.
22 A. She said in that meeting that she believed that this was
23 stupid and this needed to end, and she wanted to resolve
24 the matter.
25 She had stepped out for a little while and said she

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<p style="text-align: right;">Page 137</p> <p>1 was going to call Larry Coogan, and she wanted me to</p> <p>2 have the ability to go over the recording, and if there</p> <p>3 were any discrepancies for me to correct them.</p> <p>4 The next day rolls around, and I believe -- I don't</p> <p>5 know who contacted -- I think it was Don Meador got a</p> <p>6 call that they changed their mind and me having the</p> <p>7 ability to review the hearing is off and the</p> <p>8 disciplinary hearing was on for that day.</p> <p>9 Q. So, you are -- let me understand this.</p> <p>10 You were accused of lying to the mayor and city</p> <p>11 council at a public hearing on 8-29-16, and you were</p> <p>12 never given the opportunity to listen to what were the</p> <p>13 alleged lies?</p> <p>14 A. That is correct.</p> <p>15 Q. So, when you wrote this statement, you had not had a</p> <p>16 chance to actually look to see or listen to hear whether</p> <p>17 you had ever said anything incorrect?</p> <p>18 A. When I made this statement, I wasn't really sure --</p> <p>19 completely sure what they were talking about.</p> <p>20 When I went into that hearing, there were parts</p> <p>21 that I was nervous, and I don't remember everything.</p> <p>22 Q. Sure.</p> <p>23 A. Reading this transcript over again refreshed my memory</p> <p>24 about a few things. But bits and pieces of it, when I</p> <p>25 realized that the City was coming after me also, I</p>	<p style="text-align: right;">Page 139</p> <p>1 mayor."</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So, let's go to your transcript and see what you</p> <p>4 were asked.</p> <p>5 Do you have page 145 there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. On page 145, you're asked:</p> <p>8 "Question: Lieutenant, have you ever heard</p> <p>9 me make disparaging remarks regarding any public</p> <p>10 official, appointed official or Mike Goch from</p> <p>11 Goch & Sons Towing?"</p> <p>12 You said:</p> <p>13 "Answer: No direct. We've had personal</p> <p>14 conversations in regards to the way the tow</p> <p>15 contract has been warranted, but no personal</p> <p>16 attacks in front of anybody else."</p> <p>17 Do you see that?</p> <p>18 A. Uh-huh. Yes.</p> <p>19 Q. Okay. And you said -- told me earlier that was true;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. So, let's go back to what you said in Exhibit 1.</p> <p>23 You said:</p> <p>24 "The answer to that question is yes.</p> <p>25 Hayse would vent to me at times. I knew he</p>
<p style="text-align: right;">Page 138</p> <p>1 became very nervous.</p> <p>2 Q. Okay.</p> <p>3 A. And while people were talking to me and asking me</p> <p>4 questions, I'm thinking in my mind whether I should be</p> <p>5 answering them or wait until I have a union rep or a</p> <p>6 union attorney present.</p> <p>7 Q. Okay.</p> <p>8 A. So, my mind was running in a hundred different</p> <p>9 directions all at once.</p> <p>10 Q. You mean, when you were being asked questions at the</p> <p>11 public hearing?</p> <p>12 A. Yes.</p> <p>13 Q. Yeah.</p> <p>14 All right. Let's look at what they say you said</p> <p>15 and let's look at per your statement.</p> <p>16 In the third paragraph, you say:</p> <p>17 "I learned later in a discussion with the</p> <p>18 mayor last night that I was asked if Chief Hayse</p> <p>19 had ever said anything negative about Mike Goch</p> <p>20 and the mayor."</p> <p>21 I'll stop right there.</p> <p>22 So, you were meeting with the mayor. You're trying</p> <p>23 to figure out what it is you supposedly lied about, and</p> <p>24 she says something like, "Well, you were asked if Chief</p> <p>25 Hayse ever said anything negative about Goch and the</p>	<p style="text-align: right;">Page 140</p> <p>1 did not have a good relationship with the</p> <p>2 mayor and did not like Mike Goch. He spoke to</p> <p>3 me in his office and sometimes at the front desk</p> <p>4 while I was working. I do not recall the exact</p> <p>5 words he said about them, but I knew he did not</p> <p>6 like them."</p> <p>7 Okay?</p> <p>8 A. Yes.</p> <p>9 Q. So, let's stop right there.</p> <p>10 Do you agree that what you said under oath at the</p> <p>11 hearing is, in fact, accurate in that you explained that</p> <p>12 you have had personal conversations with the chief but</p> <p>13 no personal attacks in front of anybody?</p> <p>14 A. That matches up pretty good, I believe.</p> <p>15 Q. Okay. And then the next statement in your Exhibit 1 is:</p> <p>16 "I admit I have said negative things about</p> <p>17 Mike Goch. I do not remember the words stated.</p> <p>18 I believe that any comments that I made were in</p> <p>19 regard to fees charged and not about Mike Goch's</p> <p>20 character. I also think they may have been</p> <p>21 largely influenced by the comments of Chad Hayse</p> <p>22 and not from personal knowledge. I believe I</p> <p>23 have a decent professional relationship with</p> <p>24 him."</p> <p>25 So, let's go back to what you're admitting you</p>

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<p style="text-align: right;">Page 141</p> <p>1 said. You say -- you admit you said negative things 2 about Goch. 3 Let me find it. 4 Okay. I don't even know that you were asked 5 whether you had made personal statements, but if you 6 did, you've already said what you said on the record was 7 accurate; correct? 8 A. In regard to questioning for the -- from the transcript? 9 Q. Yeah. 10 A. Yes. 11 Q. Okay. Next paragraph: 12 "In regard to Mayor Striz and the allegation 13 of her taking bribes --" 14 Do you know what that's referring to? 15 A. Yes. There was a situation where Ellis Slaughter, who 16 is our motor carrier officer, brought it to my -- 17 THE REPORTER: I'm sorry? 18 A. Ellis Slaughter, s-l-a-u-g-h-t-e-r. 19 He's our motor carrier officer. 20 BY MS. GORDON: 21 Q. Okay. 22 A. He brought to my attention at the front desk that he 23 attended a Red Wings game. At the game were a bunch a 24 guys from the City's DPW. He found out at that game 25 that these block of hockey tickets were a gift from Mike</p>	<p style="text-align: right;">Page 143</p> <p>1 taking bribes? That was your explaining the background 2 to that? 3 A. Yes. Yes. 4 I never accused her. In fact, apparently from what 5 I hear, she thought I was mean, but I don't think I 6 could have been nicer to her. 7 Q. Okay. And the next one, you're apparently explaining, 8 again, from Number 1, that the city council and the city 9 attorney are on the take, and you say: 10 "In regard to the allegation that the city 11 council and city attorney are on the take, I do 12 not come into contact with members of the city 13 council on a regular basis." 14 A. I -- some of them I don't even -- wouldn't even know 15 them if I saw them today. 16 Q. Okay. And so you denied saying anything negative about 17 the city council? 18 A. No. I had -- I have nothing to say bad about them. I 19 don't know them. I don't attend council meetings. 20 Q. Okay. And then you talk about towing because you were 21 also accused of that. That's on the last page. 22 You say, "I've never tried to prevent anyone from 23 towing," which is same thing you said at the 24 hearing. 25 A. Correct.</p>
<p style="text-align: right;">Page 142</p> <p>1 Goch to the mayor. I was kind of concerned about that. 2 This was going through a contract bidding process at the 3 time, and didn't think it was really appropriate. 4 I had spoke to Corrine Galusky, who, at the time, 5 was the other corporate counsel attorney. She told me 6 she was concerned about it, and she asked me if I would 7 speak to the mayor about it, and I agreed. 8 And on December 24th of that year, she had come in 9 in the morning. We sat in the chief's conference room, 10 and I talked to her about the situation. I expressed my 11 concern because I was concerned for the -- I was 12 considering the welfare of the City. It was nothing 13 against her personally but I thought that I should let 14 her know that people were talking about it. 15 In that meeting, we talked about several different 16 things, and she also told me at that time that Pat 17 Easton was politicking for the chief's job. She told me 18 that she had been approaching politician -- he had been 19 approaching politicians about being the chief, and she 20 stated that he had also made copies of the city charter 21 with the specifications, the requirements for chief, and 22 placed it in his -- in her mailbox. 23 Q. Okay. And that goes with -- the Complaint for 24 Suspension and Demotion and Termination against you, 25 that goes to Number 1, saying the mayor of Melvindale is</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. You say: 2 "I have, however, had issues with Corporal 3 Furman with putting elderly people and mothers 4 with young children out on the street." 5 I'll stop right there. 6 From my review of the transcript, you were cut off 7 from talking about the issues you had had with Corporal 8 Furman at that hearing; correct? 9 A. I -- 10 Q. I guess the document will speak for itself. 11 A. Yeah. 12 Q. Okay. 13 A. I'm assuming so. I don't remember. 14 Q. Okay. So, here you're explaining that; correct? 15 A. Yes. 16 Q. And you say you're looking out for the best interests of 17 the department, the City, and the citizens? 18 A. Yes. 19 Q. Okay. So, this is your response. 20 Now, let me ask you this: You cut the deal on the 21 30-day suspension? 22 A. Correct. 23 Q. Do you -- at the end of all this, did you have any idea 24 that you actually ever did anything wrong that you 25 should have gotten a 30-day suspension for?</p>

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<p style="text-align: right;">Page 145</p> <p>1 A. No. I knew that it didn't matter. It -- it didn't 2 matter whether I had done anything wrong or not; that 3 they were going to fire me and they were going to make 4 me fight for my job back. 5 So, it was a decision that I made to throw myself 6 on the sword there and just take it to not mess up my 7 pension and not be able to keep a roof over my kids' 8 heads. 9 Q. And they were going to -- and they were -- you were sure 10 they were going to terminate you because of what you 11 said at the hearing and because of your disciplining 12 Furman or counseling, whatever you did? 13 A. Well, I had a pretty good idea, based upon the way that 14 Chad Hayse was treated. I -- I was confident that they 15 were going to do the exact same thing to me as they did 16 to Chad. I was convinced of it. 17 Q. Which is what, in your opinion? 18 A. Terminate him. 19 Q. But -- okay. So, it's not necessarily wrong to 20 terminate somebody if there's good cause. 21 So, when you say there were going to do the same 22 thing -- 23 A. Right. I believe that they were going to terminate me. 24 These people -- they don't -- if they terminate 25 somebody, it's nothing -- no skin off their back. They</p>	<p style="text-align: right;">Page 147</p> <p>1 A. No. 2 Q. Did you ever say, "I lied under oath"? 3 A. No. 4 Q. Did you ever say, "I said stuff that's not true" or 5 "that's false"? 6 A. No. I read this document. 7 Q. Okay. 8 A. I read this document. They asked a couple unrelated 9 questions about taking overtime and about towing cars, 10 and we talked about Matt Furman for about 15 minutes. 11 Q. Do you know why it is people like the president of the 12 council and the mayor are walking around saying that 13 you're a liar and you recanted everything you said at 14 the public hearing and are saying that under oath? 15 A. I did -- I did not do that. 16 Q. Do you know why they're walking around saying that? 17 A. I have no idea. 18 Why did they say that I accused the mayor of 19 being -- taking bribes? 20 That never happened. It's a good story, but it 21 never happened. 22 The truth of the matter is what we just talked 23 about, and I spoke to her in regards to that situation, 24 for the best interests of the City. 25 Q. So, it sounds like you're saying here you believe that</p>
<p style="text-align: right;">Page 146</p> <p>1 go home and go to bed. 2 These are appointed positions. If they make the 3 wrong decision, there's no recourse. So, therefore, I'm 4 out of a job. I can't feed my kids. I've got to wait 5 nine and a half years to get my pension. 6 Q. Okay. All right. So, you explained all of this. I can 7 see that from your statements, you covered pretty much 8 all of their things and you offered up an explanation, 9 but you're saying you agreed to take the 30 days just to 10 ensure your future? 11 A. That would be accurate, yes. 12 Q. Okay. Now, I have been told multiple times in this case 13 that you're a liar; that you recanted; that you admitted 14 you were a liar. 15 A. Where? 16 Q. At the Public Safety Commission; that you admitted that. 17 Is any of that true? 18 A. No. I read this statement that I prepared, and I was 19 asked several random questions regarding this document. 20 Q. That's the Lawrence Jackson report? 21 A. The Lawrence Jackson document, and that was it. I was 22 told when to come back to work, and I walked out the 23 door. 24 Q. Did you ever say, "I'm recanting anything I said under 25 oath"?</p>	<p style="text-align: right;">Page 148</p> <p>1 the City had a predetermined decision to terminate 2 Furman(sic); is that correct? 3 A. That the City had what now? 4 Q. A -- predisposed. 5 They were predisposed before this hearing ever 6 occurred to get rid of Hayse? 7 I said "Furman." 8 MS. BALIAN: Objection. Calls for -- 9 BY MS. GORDON: 10 Q. Their minds were made up to get rid of the chief? 11 MS. BALIAN: Calls for speculation. Objection. 12 A. Well, conversation that I had with Chad, he was 13 confident they were going to fire him. That's -- those 14 were his words. 15 BY MS. GORDON: 16 Q. And then you thought after you testified, they were 17 going to fire you no matter what the truth was? 18 A. Yes. I don't think it mattered. 19 Q. There's a form that's been talked about in this case 20 that police officers are supposed to get before they're 21 disciplined, a form that is supposed to be filled out 22 within the police department. 23 Did you ever receive such a form setting forth 24 reasons from the police department? 25 A. No. I never received anything after I walked out of the</p>

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<p style="text-align: right;">Page 149</p> <p>1 meeting. No paperwork indicating what my punishment 2 was, what the -- nothing. 3 MS. GORDON: Okay. That's all I have for you. 4 MS. BALIAN: Can I just have like 10 or 15 minutes, 5 please, and then I'll do my questioning. 6 MS. GORDON: Okay. 7 (Short recess at 1:30 p.m.) 8 * * * 9 (Record resumed at 1:56 p.m.) 10 (Ms. Gordon is not present after the break.) 11 * * * 12 EXAMINATION 13 BY MS. BALIAN: 14 Q. I have a copy of the transcript as well, but I don't 15 think my pages are lining up with the copy of the 16 transcript that Deb provided you. So, I'll just read 17 some of the testimony and you can say whether you recall 18 testifying to that or not. 19 Do you recall being asked by Chief Hayse at his 20 removal hearing whether -- the question was: 21 "Question: You never heard me come up to 22 the front desk and make any sort of announcement, 23 disparaging remark about not towing vehicles 24 because Goch & Sons was our tow provider as of 25 June --"</p>	<p style="text-align: right;">Page 151</p> <p>1 "Answer: Absolutely not." 2 A. That I never heard him make a statement of that sort? 3 Q. Correct. 4 A. Yes. 5 Q. Okay. And then on -- 6 MS. BALIAN: You said that was on what page, 7 Elizabeth? 8 MS. MARZOTTO TAYLOR: That's 145 of our copy. So, 9 145, line 14. 10 BY MS. BALIAN: 11 Q. Okay. So, if you want to turn to page probably 149. 12 By -- questioning by Mr. Guzall, it says: 13 "Question: Okay. In this personal 14 conversation that you say you had with the 15 chief in regards to Goch & Sons, did he say any 16 derogatory things about Goch & Sons?" 17 A. I'm -- 18 MS. MARZOTTO TAYLOR: 149, on to 150. 19 BY MS. BALIAN: 20 Q. Right here. 21 A. Yes. I'm -- I got it. 22 In which conversation? I -- 23 Q. Because you testified earlier you had personal 24 conversations with the chief. 25 A. Yes, I did. I did have personal conversations with the</p>
<p style="text-align: right;">Page 150</p> <p>1 Your response: 2 "Answer: Absolutely not." 3 Do you remember that? 4 A. The question is whether I heard Chad Hayse make a 5 statement at the front desk stating not to tow cars. 6 MS. MARZOTTO TAYLOR: It's on page 145 if that 7 helps. 8 MS. BALIAN: Is it? 9 A. Okay. 10 MS. MARZOTTO TAYLOR: It's 145. I think the 11 question starts at line 14, that you're asking about. 12 A. Okay. The question -- 13 BY MS. BALIAN: 14 Q. (Reading.) 15 "Question: Never heard me come up to the 16 front desk and make any sort of announcement, 17 disparaging remark about not towing vehicles 18 because Goch & Sons was our tow provider as 19 of June of --" 20 A. Okay. 21 Q. And then -- 22 A. "2015." Okay. 23 Q. You see that? 24 A. Yes. 25 Q. And your response:</p>	<p style="text-align: right;">Page 152</p> <p>1 chief. 2 Q. And what's your response? 3 A. It says that I said "No." 4 Q. Okay. 5 A. Okay. 6 Q. And then the following question is: 7 "Question: So, what other officers have 8 testified to in regards to negative comments 9 about Goch & Sons being made by the chief of 10 police, you are saying you have not heard 11 those comments; correct?" 12 And your response: 13 "Answer: I have not heard those comments." 14 Correct? 15 A. The question was other officers testified in regards -- 16 is -- in regards from other officers? 17 Q. The question is: 18 "Question: So, what other officers have 19 testified to in regards to negative comments 20 about Goch & Sons being made by the chief of 21 police, you are saying you have not heard 22 those comments; correct?" 23 A. I would -- 24 Q. And your response was: 25 "Answer: I have not heard those comments."</p>

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<p style="text-align: right;">Page 153</p> <p>1 Correct?</p> <p>2 A. I would interpret that question and answer as he was</p> <p>3 asking me about comments from other officers, that other</p> <p>4 officers have testified.</p> <p>5 I don't know what the other officers testified to.</p> <p>6 Q. Well, your response was you didn't hear those comments?</p> <p>7 A. Because I wasn't there to hear their testifying.</p> <p>8 Q. So, if we go to the response that you submitted to --</p> <p>9 well, it's Exhibit 1 here today, the response to your</p> <p>10 Complaint for Suspension, Demotion and/or Termination of</p> <p>11 Michael Welch. In the third paragraph down, it says:</p> <p>12 "I learned later in discussion with the</p> <p>13 mayor last night that I was asked if Chief</p> <p>14 Hayse had ever said anything negative about</p> <p>15 Mike Goch and the mayor. The answer to that</p> <p>16 question is yes."</p> <p>17 That differs from your testimony from the removal</p> <p>18 hearing, correct, in which you responded, no, that you</p> <p>19 had never heard Chief Hayse say anything derogatory</p> <p>20 about Goch & Sons?</p> <p>21 A. Which question is that?</p> <p>22 Q. It was at the bottom of 149.</p> <p>23 "Question: Okay. And did -- in this</p> <p>24 personal conversation that you say you had with</p> <p>25 the chief in regards to Goch & Sons, did he say</p>	<p style="text-align: right;">Page 155</p> <p>1 Q. Okay. So, what were the derogatory statements that the</p> <p>2 chief said about Goch & Sons?</p> <p>3 A. He said he didn't like the way that he was -- that he</p> <p>4 was handling the business. He thought he was being --</p> <p>5 he was overcharging citizens.</p> <p>6 Q. Did he say that Mike Goch was a crook?</p> <p>7 A. I don't recall him saying that.</p> <p>8 Q. So, he could have?</p> <p>9 A. He could have said anything.</p> <p>10 Q. Could he have said that?</p> <p>11 A. Can he say those words?</p> <p>12 It's possible he could say those words.</p> <p>13 I don't recall him ever saying that, no.</p> <p>14 Q. Okay. What do you recall him saying other than he</p> <p>15 didn't like how he was charging the citizens?</p> <p>16 And it's not just Melvindale citizens.</p> <p>17 A. The conversations -- no, I was talking about the public</p> <p>18 in general.</p> <p>19 Q. Okay.</p> <p>20 A. The conversations we had about Mike Goch were the</p> <p>21 charging people for services they didn't receive, about</p> <p>22 having to go back and forth with the city council about</p> <p>23 this tow dolly service that they had.</p> <p>24 He did not get along with Mike Goch, and he said he</p> <p>25 didn't like him.</p>
<p style="text-align: right;">Page 154</p> <p>1 any derogatory things about Goch & Sons?"</p> <p>2 Your answer:</p> <p>3 "Answer: No."</p> <p>4 A. Okay.</p> <p>5 Q. So, you changed your testimony; correct? You changed</p> <p>6 your response to that?</p> <p>7 A. My response and my statement is different than what's on</p> <p>8 the transcript, yes.</p> <p>9 Q. Okay. So, he did make derogatory statements about Goch</p> <p>10 & Sons?</p> <p>11 A. In private, yes.</p> <p>12 Q. Well, apparently according to your statement here, he</p> <p>13 also made them at the front desk?</p> <p>14 A. No one else was around at that time.</p> <p>15 Q. Okay. Do you know for certain that nobody overheard</p> <p>16 what those statements were at the front desk?</p> <p>17 Did you question each one of the officers?</p> <p>18 A. How would I know to question them?</p> <p>19 Q. I'm sorry?</p> <p>20 A. How would I know to question them? About what?</p> <p>21 Q. I'm asking you if you did.</p> <p>22 A. Did I question every officer in the department whether</p> <p>23 they heard Chad Hayse say something?</p> <p>24 Q. Yes.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 156</p> <p>1 So, it's wide open of what "negative" means.</p> <p>2 Q. Well, if we go back prior to Goch receiving the</p> <p>3 contract, why didn't he want Goch to receive the</p> <p>4 contract?</p> <p>5 You didn't -- none of this had happened with --</p> <p>6 A. I don't --</p> <p>7 Q. Just let me get my question out.</p> <p>8 A. I'm sorry.</p> <p>9 Q. None of this had happened with the dolly yet.</p> <p>10 A. Okay.</p> <p>11 Q. So, why didn't he want Goch to receive the contract to</p> <p>12 begin with?</p> <p>13 A. I don't know why he didn't want to. That's -- you would</p> <p>14 have to pose the question to Chad Hayse.</p> <p>15 Q. But you agree he was against Goch receiving the</p> <p>16 contract?</p> <p>17 A. Based upon his investigation, based upon the incidents</p> <p>18 that have happened with the tow company in relation to</p> <p>19 the department, it wasn't his first choice.</p> <p>20 Q. The incidents?</p> <p>21 A. We've arrested their drivers before, and we've had to</p> <p>22 tow their tow trucks before for violating the law.</p> <p>23 Q. Has anybody at Gene's Towing ever been arrested?</p> <p>24 A. By us?</p> <p>25 Q. I'm not asking by you.</p>

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<p style="text-align: right;">Page 157</p> <p>1 A. I don't know about by anyone but our personal 2 experience. 3 Q. Okay. So, somebody at Gene's also could have been 4 arrested. 5 Does it matter if they were arrested by another 6 municipality? 7 A. It may. But we're going upon our personal experience 8 with the company. And at that time, it was not 9 favorable. 10 Q. The background check that you say the chief completed, 11 do you have personal knowledge about whether any of the 12 city council members actually received this written 13 background check? 14 Because they've all testified they never received 15 it. 16 A. Chad Hayse said he brought it into the city council 17 chambers. I was not present. 18 Q. Okay. So, based upon what Chad told you? 19 A. Correct. 20 Q. In terms of why -- the reasoning behind the suspension, 21 do you agree that it was specifically regarding the 22 false testimony that you provided at the removal hearing 23 regarding statements that you admitted that you heard 24 former Chief Hayse make? 25 A. Can you rephrase that, please, for me?</p>	<p style="text-align: right;">Page 159</p> <p>1 Q. Did you FOIA the transcript of the removal hearing? 2 A. No. 3 Q. Why? 4 A. I don't know. 5 Q. I mean, you made a big issue of it here today. 6 Why didn't you just FOIA it? 7 A. Because I did not. 8 MS. BALIAN: Can I have this marked, please? 9 (Deposition Exhibit 2 marked 10 for identification.) 11 BY MS. BALIAN: 12 Q. I'm showing you this September -- dated September 21st, 13 2016, which are the minutes of the September 13th, 2016 14 Public Safety Commission. 15 Was that the date of your trial board; if you 16 recall? 17 A. It was in September sometime. 18 Q. Okay. The top of the second page indicates: 19 "Moved by Bolton and supported by Hall 20 to suspend Lieutenant Michael Welch for 30 days 21 without pay. In addition, the Melvindale Police 22 Supervisor's Association has agreed not to file 23 any and all grievances regarding Lieutenant 24 Welch's suspension and discipline. 25 Lieutenant Welch will render truthful</p>
<p style="text-align: right;">Page 158</p> <p>1 MS. BALIAN: Can you read the statement back, 2 please? 3 THE REPORTER: Yes. 4 MS. BALIAN: Question back, rather. 5 (Record repeated by the reporter.) 6 A. Now there's one question in -- in the whole deposition 7 where I said "no" when I should have said "yes." 8 I don't know if that -- it wasn't intentional. 9 My intention was never to lie to anybody about 10 anything. 11 BY MS. BALIAN: 12 Q. But that was incorrect testimony; correct? 13 A. I said "no" instead of "yes" on that question, in my 14 questioning. Yes, I did. 15 Q. So, it was incorrect testimony? 16 A. That would be incorrect, yes. 17 Q. Okay. Now why don't you answer the question that I 18 posed to you? 19 A. Okay. Can you repeat it to me again? 20 (Record repeated by the reporter.) 21 A. Well, they can -- that was an allegation that was made 22 against me. And did I say "no" instead of "yes"? I did 23 say "no" instead of "yes." I didn't even know until 24 now. I've never seen the transcript. I don't know. 25 BY MS. BALIAN:</p>	<p style="text-align: right;">Page 160</p> <p>1 testimony if called upon to do so regarding 2 former police chief Chad Hayse and statements he 3 admitted he heard the former chief make. 4 Upon notice of Lieutenant Welch's retirement, 5 the disciplinary action regarding this issue will 6 be removed from his personnel file." 7 Is that the agreement -- 8 A. Yes. 9 Q. -- you made? 10 Going on in your complaint, you indicate that Ellis 11 Slaughter informed you in December of 2014 that the 12 mayor had accepted hockey tickets from Mike Goch. 13 Did Ellis Slaughter tell you how he became aware of 14 this? 15 A. He attended the game and found out that -- where they 16 came from. 17 He was told by the people at the game. 18 Q. The mayor wasn't there; correct? 19 A. No. 20 Q. Who was there? 21 A. Ellis Slaughter and members of the city DPW. 22 (Discussion held off the record.) 23 BY MS. BALIAN: 24 Q. And you chose to contact the mayor on Christmas Eve? 25 A. No.</p>

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<p style="text-align: right;">Page 161</p> <p>1 I spoke to Corrine Galusky, and Corinne Galusky</p> <p>2 asked me if I would speak to the mayor, and Corrine</p> <p>3 Galusky contacted the mayor, and she came in the next</p> <p>4 day.</p> <p>5 Q. Why didn't you turn this over to the detective bureau or</p> <p>6 the Michigan State police?</p> <p>7 A. Should I have?</p> <p>8 Q. Well, you're not a detective; right?</p> <p>9 A. I would not investigate something in my department like</p> <p>10 that anyways.</p> <p>11 Q. That's why I'm asking you.</p> <p>12 A. Okay. I brought it --</p> <p>13 Q. You know the policies and procedures; right?</p> <p>14 A. I brought it -- I brought it to her attention that I had</p> <p>15 heard about it, and I was looking out for the best</p> <p>16 interests of the City.</p> <p>17 Q. Okay.</p> <p>18 A. Okay.</p> <p>19 Q. And you believed it was appropriate for you to</p> <p>20 investigate it?</p> <p>21 A. No, I didn't investigate it.</p> <p>22 Q. How were you not investigating it when you had the mayor</p> <p>23 come into the station and asked her questions?</p> <p>24 That's not investigating it?</p> <p>25 A. What questions --</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. Did you create a report of this meeting?</p> <p>2 A. No.</p> <p>3 Q. Why?</p> <p>4 A. I didn't think I needed to.</p> <p>5 Q. Why?</p> <p>6 A. Why would I?</p> <p>7 Q. Well, you believed there was wrongdoing. You're a</p> <p>8 police officer.</p> <p>9 A. I didn't -- I didn't know for sure. I had heard someone</p> <p>10 say something, and so I wanted to bring it to her</p> <p>11 attention. And I left it at that.</p> <p>12 Q. So, you didn't put anything in writing after this?</p> <p>13 A. No.</p> <p>14 Q. Did you contact Corrine Galusky?</p> <p>15 MS. MARZOTTO TAYLOR: When?</p> <p>16 BY MS. BALIAN:</p> <p>17 Q. After the meeting?</p> <p>18 A. She worked right down the hall.</p> <p>19 Q. Okay.</p> <p>20 A. And she spoke with me about it, yes.</p> <p>21 Q. Okay. And what did you tell her?</p> <p>22 A. What did I tell her?</p> <p>23 Q. Yeah.</p> <p>24 A. She -- well, she told me -- she came back and said,</p> <p>25 "Yeah, the mayor said that you guys met."</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. What do you call that?</p> <p>2 A. What questions did I ask her?</p> <p>3 Q. Did you ask -- did you have the mayor come into the</p> <p>4 station? Isn't that what it says in your statement</p> <p>5 here?</p> <p>6 A. I did not request the mayor to come into the station.</p> <p>7 Corrine Galusky contacted the mayor and spoke with</p> <p>8 her about it, and she came in unannounced. I didn't</p> <p>9 even know she was coming. She showed up at the front</p> <p>10 desk.</p> <p>11 Q. Do you recall telling the mayor that she was going to be</p> <p>12 sent to prison for corruption?</p> <p>13 A. I never said that.</p> <p>14 Q. Did you record this?</p> <p>15 A. No.</p> <p>16 Q. Was she in an interrogation room?</p> <p>17 A. No.</p> <p>18 Q. Where was she?</p> <p>19 A. We were sitting in the chief's conference room.</p> <p>20 Q. Did the chief have knowledge of this meeting?</p> <p>21 A. Yes.</p> <p>22 Q. How so?</p> <p>23 A. I told him.</p> <p>24 Q. Did you accuse the mayor of receiving a Rolex?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 164</p> <p>1 And I said, "Okay."</p> <p>2 And she said, "Well, for some reason, the mayor</p> <p>3 thought that you were being mean to her."</p> <p>4 I said, "Well, I was nice as could be. I don't</p> <p>5 know why she would think that."</p> <p>6 And that was the end of it.</p> <p>7 I spoke with her because I didn't want there to be</p> <p>8 any improprieties or make the City look bad. I was</p> <p>9 concerned about that. I wasn't trying to get someone</p> <p>10 arrested or -- didn't accuse anybody of anything. I</p> <p>11 just brought it to her attention that I had heard about</p> <p>12 it and let her know that it's probably -- if it's going</p> <p>13 on, it's probably not a good idea because people could</p> <p>14 draw conclusions from it, and there could be problems.</p> <p>15 And I was trying to look out for the best interests of</p> <p>16 the City.</p> <p>17 Q. So, it's never been your opinion that the mayor was</p> <p>18 taking any bribes of any kind?</p> <p>19 A. I have no evidence of anything happening like that.</p> <p>20 Q. I asked if it's ever been your opinion.</p> <p>21 A. No.</p> <p>22 Q. And then you say:</p> <p>23 "I know that the mayor and Mike Goch are</p> <p>24 friends --"</p> <p>25 How do you know that?</p>

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<p style="text-align: right;">Page 165</p> <p>1 A. Because they attend concerts together, and they go out 2 together. 3 Q. When did they become friends? 4 A. I don't know. 5 Q. Did you hear they went to high school together? 6 A. No. 7 Q. Okay. So, you don't know when they met? 8 A. I have no idea. 9 Q. And you say: 10 "I don't ever recall making any vulgar or 11 sexist comments about the mayor or anyone else." 12 You don't recall, but you could have, because 13 anything is possible? 14 A. The mayor has always been very nice to me. I have had 15 no reason to ever say anything bad about her. 16 MS. BALIAN: Can you repeat my question, please? 17 THE REPORTER: Yes. 18 (Record repeated by the reporter.) 19 MS. MARZOTTO TAYLOR: Calls for speculation. 20 BY MS. BALIAN: 21 Q. You can answer the question. 22 A. I never said anything bad about the mayor. 23 Is it possible for anyone to speak any word? It's 24 possible, but I'm denying ever saying anything vulgar 25 about the mayor.</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. Did you ever hear Chief Hayse or former chief Hayse say 2 anything about any city council members being on the 3 take? 4 A. No. 5 Q. What about Larry Coogan being on the take? 6 A. No. 7 Q. The mayor being on the take? 8 MS. MARZOTTO TAYLOR: Asked and answered. 9 A. No. 10 BY MS. BALIAN: 11 Q. Did you hear Chief Hayse, or did he tell you that he did 12 not want officers making Goch money? 13 A. I never heard him say that, no. 14 Q. And close to your last statement here in your response 15 to the complaint, you talk about how you contacted John 16 Allen. 17 Do you remember telling John Allen how you messed 18 up at the removal hearing? 19 A. I assumed that I messed up. I didn't know. I wasn't 20 sure, and I explained to him that I was really nervous 21 during the hearing. And from the response I was getting 22 that I had said something crazy, and I didn't know what 23 it was. 24 Q. Did you admit to John Allen that you perjured yourself? 25 A. No.</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. Did Chad Hayse ever say anything vulgar about the mayor? 2 MS. MARZOTTO TAYLOR: Asked and answered. 3 BY MS. BALIAN: 4 Q. You can answer it. 5 A. Vulgar in what way? What do you consider vulgar? 6 Q. Did he call her a "cunt"? 7 A. No. 8 Q. Did he call her a "bitch"? 9 A. There was one incident where the mayor wanted to fire 10 him for not giving her a police radio, and he said 11 something to the effect, in his office, about "she's 12 being a bitch about this." 13 Q. Did he call her a "slut"? 14 A. No. 15 Q. Did he call her any other names? 16 A. Not they I can remember now. 17 Q. But he could have? 18 MS. MARZOTTO TAYLOR: Calls for speculation. 19 BY MS. BALIAN: 20 Q. Is that true? Could have? 21 A. Anything is possible. I don't know. I'm telling you 22 what I know. 23 Q. That's all I want to know is what you know. I don't 24 want you to speculate. 25 A. Okay.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Did you meet with Chad Hayse prior to his removal 2 hearing? 3 A. Not that I can remember, no. 4 Q. Do you know anyone that's been questioned in the Gasper 5 Fiore investigation? 6 MS. MARZOTTO TAYLOR: Relevance. 7 A. Gasper Fiore? 8 BY MS. BALIAN: 9 Q. Investigation for bribery? 10 A. I don't -- I'm not really familiar with the case. 11 Q. I didn't ask you if you were familiar with the case. I 12 just asked if you know anyone that's been questioned in 13 it. 14 A. Do I know anyone? 15 Q. Uh-huh. 16 A. I don't know who has been questioned in that case. 17 Q. So, you don't know anyone that's been questioned in it? 18 MS. MARZOTTO TAYLOR: Asked and answered. 19 A. I'm not familiar with the case. I have no idea. 20 BY MS. BALIAN: 21 Q. The Lawrence Jackson investigation, was today the first 22 time you've seen that document? 23 A. Yes. 24 MS. MARZOTTO TAYLOR: I'm going to need those 25 documents back at the end of the day. Those are our</p>

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<p style="text-align: right;">Page 169</p> <p>1 documents.</p> <p>2 MS. BALIAN: These were the copies that Deb gave</p> <p>3 me. She gave me this one.</p> <p>4 MS. MARZOTTO TAYLOR: Yeah. We gave you the copies</p> <p>5 of the exhibit, but other than the exhibit, I'm going to</p> <p>6 need everything else back at the end of the day.</p> <p>7 MS. BALIAN: Okay. That's fine.</p> <p>8 MS. MARZOTTO TAYLOR: Great.</p> <p>9 MS. BALIAN: This is mine.</p> <p>10 MS. MARZOTTO TAYLOR: Yeah. Yeah.</p> <p>11 BY MS. BALIAN:</p> <p>12 Q. You should have this in front of you. It's the March</p> <p>13 1st, 2016 memo to you from Corporal Furman.</p> <p>14 I don't know --</p> <p>15 MS. MARZOTTO TAYLOR: Okay.</p> <p>16 MS. BALIAN: It might be here.</p> <p>17 Here it is.</p> <p>18 MS. MARZOTTO TAYLOR: Great.</p> <p>19 BY MS. BALIAN:</p> <p>20 Q. So, did you request this from him?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And was that at the direction of Chad Hayse?</p> <p>23 A. No.</p> <p>24 That was my request to him.</p> <p>25 Q. And that was because the female came into the station?</p>	<p style="text-align: right;">Page 171</p> <p>1 BY MS. BALIAN:</p> <p>2 Q. And if you go on to page 2, in the second -- well, the</p> <p>3 first full paragraph, Ms. Wielichowski actually</p> <p>4 confirmed that the vehicle was not insured to Furman;</p> <p>5 correct?</p> <p>6 A. Yes. Yep.</p> <p>7 Q. And then at the bottom of that paragraph, Furman informs</p> <p>8 you that when he ran her through LEIN, it showed she had</p> <p>9 a warrant out of Detroit; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Furman then goes on to advise you in the next</p> <p>12 paragraph that he informed Ms. Wielichowski that he was</p> <p>13 going to be issuing her a ticket for no insurance and</p> <p>14 give her a verbal warning on the license plate cover;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. In the next paragraph, Furman advises you that he told</p> <p>18 Ms. Wielichowski that vehicles with no insurance are</p> <p>19 generally impounded. He asked her if she had someone</p> <p>20 available to pick her up; correct?</p> <p>21 A. "I decided to impound her vehicle. She had a ride</p> <p>22 available --" yeah, she -- asked if she had someone</p> <p>23 available to pick her up, yes.</p> <p>24 Q. Okay. And she stated that she did have somebody already</p> <p>25 on the way?</p>
<p style="text-align: right;">Page 170</p> <p>1 A. Yes.</p> <p>2 I was unaware that there was really a situation</p> <p>3 that happened on the street, didn't really know what</p> <p>4 happened until the lady came in hysterical and</p> <p>5 complaining.</p> <p>6 So, then I requested him to do a letter about the</p> <p>7 incident.</p> <p>8 Q. Okay. So, in this memo, he advises you in the first</p> <p>9 paragraph that he's on patrol. He's unable to make out</p> <p>10 the lettering on the license plate. And in addition,</p> <p>11 the Secretary of State showed that there was no</p> <p>12 insurance on file for the vehicle; correct?</p> <p>13 A. Let's see.</p> <p>14 Yeah, it does say that he was unable to see the</p> <p>15 plate, but he was able to run it, though.</p> <p>16 But, yes, that's what it says.</p> <p>17 Q. Okay. He said he had observed a cover over the license</p> <p>18 plate which was dirty and reflected a large amount of</p> <p>19 sunlight making it difficult for him to see clearly;</p> <p>20 correct?</p> <p>21 A. Okay.</p> <p>22 Q. Correct?</p> <p>23 MS. MARZOTTO TAYLOR: The document speaks for</p> <p>24 itself.</p> <p>25 A. Yes. Right here, yes.</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And at that point he decided to impound the</p> <p>3 vehicle because she had a ride available; correct?</p> <p>4 A. Yep.</p> <p>5 Q. Okay. And then he indicates the weather conditions were</p> <p>6 warm and sunny with no rain or snow; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And then he indicates to you that he advised</p> <p>9 Ms. Wielichowski that she and her passengers will need</p> <p>10 to exit the vehicle and wait in the rear seat of his</p> <p>11 patrol car for their ride; correct?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 MS. MARZOTTO TAYLOR: The document speaks for</p> <p>15 itself.</p> <p>16 Are we coming to a question?</p> <p>17 MS. BALIAN: I've got lots of questions.</p> <p>18 MS. MARZOTTO TAYLOR: Well, you know, so far we're</p> <p>19 just reading this document, which --</p> <p>20 MS. BALIAN: Yep, just like you did. Thanks.</p> <p>21 BY MS. BALIAN:</p> <p>22 Q. Okay. And then it goes on to say that Officer Furman</p> <p>23 informed Wielichowski that he would give her a ride to</p> <p>24 White Castle and was also willing to transport her to</p> <p>25 any other destination of her choice in Melvindale city</p>

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<p style="text-align: right;">Page 173</p> <p>1 limits; correct?</p> <p>2 A. Uh-huh.</p> <p>3 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>4 BY MS. BALIAN:</p> <p>5 Q. You have to say "yes" or "no."</p> <p>6 A. Yes.</p> <p>7 I'm sorry.</p> <p>8 Q. Okay. And then at that time, Goch Towing arrived. He</p> <p>9 informed you of that; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And then we go to the next paragraph. And Furman</p> <p>12 tells you at this time, Wielichowski says, "No, I'm not</p> <p>13 getting out of the vehicle"; correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And Furman says that he told Ms. Wielichowski at</p> <p>16 least four or five times to exit the vehicle; correct?</p> <p>17 A. Correct.</p> <p>18 Q. Going on to the next page, Furman informs you</p> <p>19 Ms. Wielichowski repeatedly refused to get out of the</p> <p>20 vehicle; correct?</p> <p>21 A. Yes.</p> <p>22 MS. MARZOTTO TAYLOR: The document speaks for</p> <p>23 itself.</p> <p>24 BY MS. BALIAN:</p> <p>25 Q. And then he again told her that she needed to exit the</p>	<p style="text-align: right;">Page 175</p> <p>1 she can either go to jail, or she can do as she was</p> <p>2 originally told, get her kids and things and have a seat</p> <p>3 in the rear of his vehicle; correct?</p> <p>4 MS. MARZOTTO TAYLOR: The document speaks for</p> <p>5 itself.</p> <p>6 A. Yes.</p> <p>7 BY MS. BALIAN:</p> <p>8 Q. Okay. So, at this point, he still offered her the</p> <p>9 choice of getting in the rear of his vehicle when, in</p> <p>10 fact, he could have arrested her for being a disorderly</p> <p>11 person for refusing to obey his directions or arrested</p> <p>12 her for hindering and obstructing a police officer;</p> <p>13 correct?</p> <p>14 A. At the point that the situation escalated that he had to</p> <p>15 use physical force against the citizen, he should have</p> <p>16 arrested her.</p> <p>17 Q. Okay.</p> <p>18 A. Not let her go.</p> <p>19 Q. But he chose not to. He used his discretion; correct?</p> <p>20 A. That's different.</p> <p>21 Q. Okay.</p> <p>22 A. You use physical force against somebody -- once you use</p> <p>23 physical force against somebody, that situation is</p> <p>24 escalated to the point where that person has to be</p> <p>25 arrested. If you use physical force against somebody</p>
<p style="text-align: right;">Page 174</p> <p>1 vehicle and they needed to wait for their ride in the</p> <p>2 back seat of his patrol vehicle, and they would be taken</p> <p>3 to White Castle; correct?</p> <p>4 MS. MARZOTTO TAYLOR: The document speaks for</p> <p>5 itself.</p> <p>6 BY MS. BALIAN:</p> <p>7 Q. At the top paragraph?</p> <p>8 A. Yes.</p> <p>9 Q. And he explains the reason he wanted to do this was, he</p> <p>10 wanted to remove the vehicle from the roadway in a</p> <p>11 timely manner and he still needed to conduct an</p> <p>12 inventory search; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. He explains to you, in his memo, that she</p> <p>15 continued to refuse to exit the vehicle, and at this</p> <p>16 point he became more stern and loudly and clearly</p> <p>17 advised her that if she does not exit the vehicle, he</p> <p>18 would be forced to physically remove her from it;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And at that point is when he used the transport</p> <p>22 wrist lock, secured both of her wrists behind her back</p> <p>23 and placed her -- I'm sorry -- used the transport wrist</p> <p>24 lock to remove her from the vehicle and then secured</p> <p>25 both of her wrists behind her back and advised her that</p>	<p style="text-align: right;">Page 176</p> <p>1 and you don't arrest them, you're wrong.</p> <p>2 Q. Well, in your opinion?</p> <p>3 A. I could probably pull hundreds of police officers that</p> <p>4 would agree with me.</p> <p>5 Q. Okay. Well, he chose not to arrest her.</p> <p>6 A. And his decision was incorrect.</p> <p>7 Q. Okay. In your opinion?</p> <p>8 A. Well --</p> <p>9 Q. Correct?</p> <p>10 A. It was my opinion.</p> <p>11 Q. You would have arrested her, you're saying?</p> <p>12 A. Because it was the right thing to do, yes.</p> <p>13 Q. Okay. So, you would have arrested her because she</p> <p>14 refused to remove herself from the vehicle?</p> <p>15 A. If I had to use physical force --</p> <p>16 Q. Can you just answer my question, please?</p> <p>17 You would have arrested her in this situation?</p> <p>18 A. Could I have arrested her?</p> <p>19 Q. Would you have arrested her?</p> <p>20 A. No. No. I would have let Corporal Hinojosa finish</p> <p>21 responding to the situation, and I would have had</p> <p>22 Corporal Hinojosa speak to her to try and calm her down</p> <p>23 to get her out of the vehicle, or I would have waited</p> <p>24 5 more minutes for the person that was picking her up</p> <p>25 that was coming up Fort Street.</p>

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<p style="text-align: right;">Page 177</p> <p>1 Q. Well, you just said he was wrong for not arresting her.</p> <p>2 A. If he had to use physical force against her, if that</p> <p>3 situation escalated to the point that he had to put his</p> <p>4 hands on that person, he should have arrested her and</p> <p>5 not let her go.</p> <p>6 Q. Okay. Okay. Instead he used his discretion, allowed</p> <p>7 her to go, and she was driven to White Castle; correct?</p> <p>8 A. I believe so.</p> <p>9 Q. Okay. And at no point in this memo to you does Furman</p> <p>10 indicate that she was placed on the ground at all;</p> <p>11 correct?</p> <p>12 A. That was the statement of the person.</p> <p>13 Q. Correct.</p> <p>14 So, Furman does not indicate she was on the ground</p> <p>15 at all; correct?</p> <p>16 A. Yes.</p> <p>17 Q. So, he used his discretion in not arresting her. She</p> <p>18 was transported to the White Castle, and he was</p> <p>19 suspended but allowed to take vacation days because he</p> <p>20 chose to impound the vehicle.</p> <p>21 Is that correct?</p> <p>22 A. No, that's not correct. He --</p> <p>23 Q. Was he suspended?</p> <p>24 A. Yes. He lost days because he improperly used force.</p> <p>25 Q. Because he improperly used force.</p>	<p style="text-align: right;">Page 179</p> <p>1 the middle?</p> <p>2 MS. MARZOTTO TAYLOR: They're right here.</p> <p>3 BY MS. BALIAN:</p> <p>4 Q. So, on what day was Furman --</p> <p>5 MS. BALIAN: Again, I don't have the dates in front</p> <p>6 of me, so -- the date that he was suspended.</p> <p>7 MS. MARZOTTO TAYLOR: Okay.</p> <p>8 MS. BALIAN: This will go a lot faster, Elizabeth,</p> <p>9 if you could just not hold the documents back.</p> <p>10 BY MS. BALIAN:</p> <p>11 Q. So, it looks like Officer Furman was suspended on April</p> <p>12 25th -- is that correct -- according to the memo?</p> <p>13 A. I'll have to look at it.</p> <p>14 The date on this document is April 25th, 2016.</p> <p>15 Q. And on April 26th of 2016, the day after the memo is</p> <p>16 issued --</p> <p>17 A. The date on that is April 26th, yes.</p> <p>18 MS. BALIAN: This wasn't the one that was</p> <p>19 referenced. The one that was referenced in this dep was</p> <p>20 to All Staff.</p> <p>21 MS. MARZOTTO TAYLOR: That was what was in the</p> <p>22 middle. That's what we had out. I don't see another</p> <p>23 one.</p> <p>24 BY MS. BALIAN:</p> <p>25 Q. So, Matthew Furman is informed that:</p>
<p style="text-align: right;">Page 178</p> <p>1 And at the very same time that he allegedly</p> <p>2 improperly used force, the --</p> <p>3 MS. BALIAN: Can I have the rest of those?</p> <p>4 Where are the rest of the --</p> <p>5 MS. MARZOTTO TAYLOR: What are you looking for?</p> <p>6 MS. BALIAN: All of the documents that were</p> <p>7 referenced during the deposition that are not out in the</p> <p>8 middle now.</p> <p>9 MS. MARZOTTO TAYLOR: Do you have anything specific</p> <p>10 in mind?</p> <p>11 MS. BALIAN: Can you just put them out here so that</p> <p>12 I can cross-examine the witness on them, please?</p> <p>13 MS. MARZOTTO TAYLOR: So, Melinda, they're our</p> <p>14 documents. So, if you want to see something specific,</p> <p>15 you can let me know and I'll pull it for you.</p> <p>16 MS. BALIAN: I don't have the Bates numbers in</p> <p>17 front of me, so --</p> <p>18 MS. MARZOTTO TAYLOR: What document are you</p> <p>19 referring to?</p> <p>20 MS. BALIAN: The memo.</p> <p>21 MS. MARZOTTO TAYLOR: Okay. It's right here.</p> <p>22 MS. BALIAN: But I have all of them that I'm going</p> <p>23 to question him on.</p> <p>24 MS. MARZOTTO TAYLOR: Okay.</p> <p>25 MS. BALIAN: So, if you could just put them out in</p>	<p style="text-align: right;">Page 180</p> <p>1 "Effective immediately, when you request a</p> <p>2 tow truck, you will notify the desk officer via</p> <p>3 radio the conditions which merit towing the</p> <p>4 vehicle, including driver gender, age, number</p> <p>5 of occupants and their ages, the reason for</p> <p>6 the tow, et cetera."</p> <p>7 Correct?</p> <p>8 A. Yes, that's what that says.</p> <p>9 Q. And you weren't there at the scene with Corporal Furman</p> <p>10 to witness any of this; correct?</p> <p>11 A. No. I was working the desk that day.</p> <p>12 Q. Were there regular staff meetings held with the police</p> <p>13 officers?</p> <p>14 A. We'd have one probably every several months.</p> <p>15 Q. What is "several"? "Every several months"?</p> <p>16 A. Depending on when the chief scheduled one. Three</p> <p>17 months, five months. I don't know the exact dates, no.</p> <p>18 Q. So, it was irregular?</p> <p>19 A. Yeah. Depending on what was going on. If something</p> <p>20 needed to be addressed, one would probably be scheduled.</p> <p>21 MS. BALIAN: Can I have the memo regarding the</p> <p>22 other incident of alleged excessive force?</p> <p>23 MS. MARZOTTO TAYLOR: Sure.</p> <p>24 There. This is my work copy. There you go.</p> <p>25 MS. BALIAN: And the e-mail.</p>

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1 Thank you.

2 BY MS. BALIAN:

3 Q. So, regarding the incident with the -- I can't remember

4 the -- the person's name, who was alleging that Furman

5 pushed his head into the car door, you didn't play any

6 role in that was your testimony; correct?

7 A. That was -- McClintock, I believe, was the guy's name.

8 Q. And you didn't play any role in that?

9 A. No. That was Lieutenant Allen.

10 Q. Okay.

11 MS. BALIAN: By the way, Lieutenant Allen indicated

12 he was subpoenaed today.

13 He's a chief of police. You can go through me for

14 that. You don't need to subpoena him, but he's out of

15 state. He will not be here for the date that you

16 subpoenaed him, and he's out of state for a few months.

17 MS. MARZOTTO TAYLOR: We can work on dates later.

18 MS. BALIAN: Okay. But he won't be back, so just

19 go through me, like I've asked several times. Check

20 with me on dates.

21 MS. MARZOTTO TAYLOR: We can talk about scheduling

22 later, Melinda.

23 MS. BALIAN: Okay. Well, you don't seem to listen

24 to me, which is why I'm putting it on the record.

25 MS. MARZOTTO TAYLOR: Okay.

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1 BY MS. BALIAN:

2 Q. There was testimony or maybe questioning that these

3 incidents were turned over to the Michigan State Police

4 for investigation.

5 Do you have any knowledge about whether the state

6 police found any wrongdoing on behalf of Furman?

7 A. No direct knowledge, no.

8 Q. And with regard to this incident involving Richard

9 Crosslin, was Corporal Furman the first officer on

10 scene?

11 A. I don't know.

12 Q. Okay. But you weren't there?

13 A. No. I was working the desk.

14 Q. Okay. Well, did Corporal Furman indicate to you -- or

15 maybe he didn't indicate anything to you.

16 Did you have anything to do with --

17 A. I don't know if I spoke to Corporal Furman about the

18 incident. I was approached by Officer Landin in regards

19 to the situation, and I asked her to give me a letter in

20 regards to the situation, which I forwarded to Chief

21 Hayse.

22 I would assume Chief Hayse, since it's to him,

23 requested that Furman do the letter.

24 Q. Okay. So, Chief Hayse asked you to get information from

25 the other two officers on the scene?

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1 A. No. No, he didn't. I requested those officers to give

2 me a letter about what happened.

3 Q. Why?

4 A. Because I'm the supervisor. I had them give me a

5 letter.

6 Q. Do you ask that of all situations?

7 A. They expressed their concerns to me about what happened,

8 and depending on the situation, yes.

9 Q. Okay. Did you speak with Corporal Furman about it?

10 A. I don't remember if I spoke with him that day about it.

11 I don't remember having a conversation about the

12 incident. I took statements, and I turned them over to

13 the chief is what I can recall.

14 Q. Do you ever recall Corporal Furman indicating to you

15 whether he was unaware of whether the individual still

16 had the knife on his person when he arrived?

17 A. I don't think I had discussion with Corporal Furman

18 about the incident.

19 Q. Okay. When did you -- I believe you testified you --

20 let's see here.

21 You're an inactive employee.

22 What was the date that you became an inactive

23 employee?

24 A. January 2nd of this year.

25 Q. Okay. So, 1-2 of '18?

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1 A. Yes.

2 Q. Okay. So, between when Chad Hayse was terminated in

3 August of 2016 and January of 2018, has Furman had any

4 disciplinary issues?

5 A. Not to my knowledge.

6 Q. Do you believe John Allen to be an honest person?

7 A. Yes.

8 Q. Do you believe he's a good chief?

9 A. Yes.

10 Q. Did Furman ever receive any commendations due to his

11 work?

12 A. I don't recall anything off the top of my head, no.

13 Q. So, you don't know?

14 A. I don't know.

15 Q. What period of time were you the road lieutenant?

16 A. From the time of my promotion to lieutenant, which is

17 2013, until 1st of January of '17. In January of 2017,

18 I went to the detective bureau.

19 Q. And what shift did you work --

20 A. Dayshift.

21 Q. -- from 2013 to January of 2017?

22 A. Dayshift.

23 Q. And what hours is that?

24 A. When I was the road lieutenant, it was 8:00 till 4:00.

25 As the lieutenant in the detective bureau, it was

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<p style="text-align: right;">Page 185</p> <p>1 from 8:30 until 4:30.</p> <p>2 Q. Okay. What days of the week?</p> <p>3 A. In the detective bureau, it was Monday through Friday.</p> <p>4 The road varied because we picked days off with the</p> <p>5 sergeant.</p> <p>6 Oftentimes, I was off either Friday/Saturday or</p> <p>7 Sunday/Monday, depending on the agreement with the road</p> <p>8 sergeant.</p> <p>9 Q. When you were first promoted to lieutenant, did you have</p> <p>10 to test?</p> <p>11 A. I did not test for lieutenant, no.</p> <p>12 Q. Why?</p> <p>13 A. Because there is a provision in our contract that states</p> <p>14 if no one else is able -- is eligible to test, then the</p> <p>15 senior sergeant would be promoted so they don't have to</p> <p>16 test against themselves.</p> <p>17 Q. So, it was strictly based on seniority?</p> <p>18 A. In those circumstances, yes, because there was no one</p> <p>19 else available to test.</p> <p>20 Q. And you testified that, you know, generally how many</p> <p>21 calls a day did you receive, and you said, you know,</p> <p>22 generally about 15 calls a day, but was that just on</p> <p>23 your shift that you were testifying about?</p> <p>24 A. Yeah. It varies. There could be a bunch of ordinance</p> <p>25 complaints. No two days are normally the same.</p>	<p style="text-align: right;">Page 187</p> <p>1 third, the court gets a third and we get -- I mean,</p> <p>2 yeah -- the court gets a third, we get a third and Allen</p> <p>3 Park gets a third. That's how they divvy them up.</p> <p>4 Q. Is it equal?</p> <p>5 A. It depends on what department is writing more tickets</p> <p>6 would make it equal. Sometimes their tickets may slow</p> <p>7 down, and they would probably receive some of our</p> <p>8 revenue. It could go either way.</p> <p>9 Q. So, you don't know the proportions?</p> <p>10 MS. MARZOTTO TAYLOR: Asked and answered.</p> <p>11 A. I just know it was a third, a third and a third. I</p> <p>12 don't know the monetary amount that was involved. That</p> <p>13 wasn't part of my job. I had no idea.</p> <p>14 BY MS. BALIAN:</p> <p>15 Q. Did you know that from 2014 to 2015 there were 2,000</p> <p>16 fewer tickets written by the officers?</p> <p>17 A. No.</p> <p>18 MS. MARZOTTO TAYLOR: Assumes facts not in</p> <p>19 evidence. Lack of foundation.</p> <p>20 MS. BALIAN: I just asked him if he knew.</p> <p>21 BY MS. BALIAN:</p> <p>22 Q. You review the reports; right?</p> <p>23 A. I review my shift's reports and correct them, and</p> <p>24 occasionally spill over reports from the prior shift,</p> <p>25 I'll review and correct them.</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. But you don't know what took place on other people's</p> <p>2 shifts; right?</p> <p>3 A. Unless someone told me about it or I read the reports,</p> <p>4 no.</p> <p>5 Q. Okay. How often did you read other people's reports of</p> <p>6 what occurred?</p> <p>7 A. I would browse the reports occasionally because I was</p> <p>8 responsible for approving the reports.</p> <p>9 So, sometimes there would be leftover reports from</p> <p>10 the prior shift, and I would approve them. So, I would</p> <p>11 come across reports from other shifts.</p> <p>12 Q. If there was an assaultive call, say a domestic violence</p> <p>13 or just an assault and battery or something worse like a</p> <p>14 felony, was it procedure to send two officers?</p> <p>15 A. Yes.</p> <p>16 And if there happens to be a third officer on the</p> <p>17 road, we would send them also.</p> <p>18 Q. You said it was explained to you that when tickets are</p> <p>19 written, some of the money is provided to the police</p> <p>20 department from the court.</p> <p>21 Who told you that?</p> <p>22 A. I believe it's common knowledge. The way that it goes</p> <p>23 is ticket revenue -- we share a court at 24th District</p> <p>24 Court with the City of Allen Park. The tickets all go</p> <p>25 into like a kitty, like an account. The State gets a</p>	<p style="text-align: right;">Page 188</p> <p>1 I don't normally make a practice of following</p> <p>2 everyone's ticket stats. So, that statistic I did not</p> <p>3 know. That would be something more for the chief.</p> <p>4 Q. You had testified at the removal hearing that you</p> <p>5 believed tows had increased by over -- or impounds had</p> <p>6 increased, I think, over a thousand.</p> <p>7 Did you know that from 2014 to 2015 tows decreased</p> <p>8 by over a thousand?</p> <p>9 MS. MARZOTTO TAYLOR: Can you point us to the</p> <p>10 testimony?</p> <p>11 A. I'm not familiar with what you're talking about, ma'am.</p> <p>12 BY MS. BALIAN:</p> <p>13 Q. I'm just asking if you realize that.</p> <p>14 A. I don't know what the tow stats are. I was never</p> <p>15 concerned with it.</p> <p>16 MS. MARZOTTO TAYLOR: I think that mischaracterizes</p> <p>17 his testimony at the hearing.</p> <p>18 BY MS. BALIAN:</p> <p>19 Q. The question to you:</p> <p>20 "Question: Since I became chief -- interim</p> <p>21 chief in 2012 and named permanent chief in January</p> <p>22 of 2012, would you say we have towed more cars or</p> <p>23 fewer cars since that time per year?</p> <p>24 "Answer: We probably went from around 200</p> <p>25 cars a year to well over a thousand."</p>

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Pages 189–192

<p style="text-align: right;">Page 189</p> <p>1 Is that your testimony?</p> <p>2 A. Uh-huh. Yes.</p> <p>3 Q. Okay. So, you had no knowledge that tows had decreased</p> <p>4 by over a thousand from one year to the next?</p> <p>5 A. They decreased from 2012?</p> <p>6 I believe the question was, was asking me the</p> <p>7 numbers in 2012.</p> <p>8 Q. I said from 2014 to 2015 tows decreased by over a</p> <p>9 thousand.</p> <p>10 A. I didn't know that.</p> <p>11 Q. Do you have any explanation for that?</p> <p>12 MS. MARZOTTO TAYLOR: Calls for speculation.</p> <p>13 Assumes facts not in evidence.</p> <p>14 A. The -- want me to respond?</p> <p>15 MS. MARZOTTO TAYLOR: You have to answer her</p> <p>16 questions.</p> <p>17 A. Okay.</p> <p>18 The way I interpret the question posed --</p> <p>19 BY MS. BALIAN:</p> <p>20 Q. That -- that's not what I'm asking.</p> <p>21 A. Well, no, I --</p> <p>22 Q. My question was, do you have any explanation for why</p> <p>23 tows decreased by over a thousand from 2014 to 2015?</p> <p>24 A. I have no idea.</p> <p>25 Q. Who determines if the police officers get a raise?</p>	<p style="text-align: right;">Page 191</p> <p>1 that has a boom on the back that lifts up the car, and</p> <p>2 then you have a flatbed truck where you winch the</p> <p>3 vehicle up onto the flat bed of the truck.</p> <p>4 The contention was -- normally the drivers would</p> <p>5 respond with a flatbed truck. They have more of them.</p> <p>6 They're more practical. They can tow more stuff with</p> <p>7 them.</p> <p>8 The contention was that if they responded with a</p> <p>9 flatbed truck, and the vehicle, had it been a light-duty</p> <p>10 truck, would have warranted tow dollies, whether it be</p> <p>11 an all-wheel drive or four-wheel drive truck, even</p> <p>12 though they came with the right vehicle to begin with to</p> <p>13 tow it, they felt that they should be able to charge the</p> <p>14 extra fee with the truck they didn't drive.</p> <p>15 So, they were wanting to be paid for services that</p> <p>16 they did not render.</p> <p>17 Q. Okay. When was that?</p> <p>18 A. It was shortly after they approved their contract.</p> <p>19 Q. So, shortly after June of 2015?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And apparently -- I'm guessing from your</p> <p>22 testimony -- city council did not side in favor of</p> <p>23 Goch & Sons because it was not in the contract; correct?</p> <p>24 A. I don't know what happened in the city council. I just</p> <p>25 know that the ladies in the office --</p>
<p style="text-align: right;">Page 190</p> <p>1 A. With their labor contract.</p> <p>2 Q. Okay. And so who -- who determines that? Who approves</p> <p>3 that?</p> <p>4 A. I'm sorry. Who approves what?</p> <p>5 Q. Who approves the labor contract?</p> <p>6 A. Who approves it?</p> <p>7 Q. Yeah.</p> <p>8 A. The city council approves the contract.</p> <p>9 Q. Is Rich Ortiz on the city council?</p> <p>10 A. No.</p> <p>11 Q. Are you aware that Furman has a personal relationship</p> <p>12 with Paul Ott, Junior?</p> <p>13 A. Yes.</p> <p>14 Q. They're close friends; right?</p> <p>15 A. From what I understand they're friends, yes.</p> <p>16 Q. And where does Paul Ott, Junior, work?</p> <p>17 A. For Gene's Towing.</p> <p>18 Q. You testified that there was a blow-up with city council</p> <p>19 with Goch & Sons about the use of a dolly?</p> <p>20 A. Yes.</p> <p>21 Q. Because they wanted to use a dolly but it wasn't in the</p> <p>22 contract.</p> <p>23 Do I have that correct?</p> <p>24 A. There was an issue -- there are two types of tow trucks.</p> <p>25 There's a light tow truck, which is a traditional truck</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. The ladies in what office?</p> <p>2 A. The ladies that answer the phone at Goch & Sons --</p> <p>3 Q. Okay.</p> <p>4 A. So, when you call for release and they would give you</p> <p>5 the amount of money due, because they set the fees, they</p> <p>6 stopped asking for it.</p> <p>7 So, I would assume that somehow, somewhere along</p> <p>8 the line, they resolved that issue because they stopped</p> <p>9 tacking that fee on.</p> <p>10 Q. Okay. Have there ever been any businesses, whether in</p> <p>11 Melvindale or outside of Melvindale, that have dropped</p> <p>12 off food or other things for the police department?</p> <p>13 A. There have been occasions where maybe a party store</p> <p>14 would drop off some pizza or some chicken or something.</p> <p>15 Q. Was it thrown in the garbage?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you ever see anybody eating it?</p> <p>18 A. I have seen people eating food, yes.</p> <p>19 Q. Eating the food that was dropped off by the party store?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So, why wasn't that thrown in the garbage like</p> <p>22 the food that was dropped off by Goch & Sons?</p> <p>23 A. I don't know.</p> <p>24 Q. Was Furman ever disciplined for doing too much traffic</p> <p>25 control?</p>

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<p style="text-align: right;">Page 193</p> <p>1 A. No.</p> <p>2 Q. You had testified about him towing a vehicle during an</p> <p>3 armed robbery that was going on.</p> <p>4 Was he specifically dispatched to the armed</p> <p>5 robbery?</p> <p>6 A. No.</p> <p>7 Q. Was he disciplined for not responding to the armed</p> <p>8 robbery?</p> <p>9 A. Not to my knowledge.</p> <p>10 He was spoke to -- he was talked to about it, but I</p> <p>11 don't believe he was disciplined.</p> <p>12 Q. What is his title now? Sergeant or lieutenant?</p> <p>13 A. I think he got promoted to sergeant after I left.</p> <p>14 Q. There's no law against towing vehicles with children in</p> <p>15 the vehicle; correct?</p> <p>16 A. No.</p> <p>17 Q. And there's no law against towing vehicles of elderly</p> <p>18 persons; correct?</p> <p>19 A. No.</p> <p>20 Q. And you understand that you can't discriminate against</p> <p>21 people in enforcing laws; correct?</p> <p>22 A. You should not discriminate against people, period.</p> <p>23 Correct.</p> <p>24 Q. And you understand that you can't base a determination</p> <p>25 on whether to tow a person's vehicle based upon their</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Yes.</p> <p>2 Q. So, it was then up to the supervisor to make that</p> <p>3 determination? It was no longer up to Furman?</p> <p>4 A. Well, I believe the intent was to get him to stop and</p> <p>5 think about what he was doing, and if he was doing the</p> <p>6 right thing, then he wouldn't have to worry about it,</p> <p>7 and the car would be towed.</p> <p>8 MS. BALIAN: Can you repeat my question, John?</p> <p>9 (Record repeated by the reporter.)</p> <p>10 A. Yes.</p> <p>11 BY MS. BALIAN:</p> <p>12 Q. Other than Furman, when Chad Hayse was chief, did you</p> <p>13 ever see him refer anyone to Dr. Clark for a psych</p> <p>14 evaluation?</p> <p>15 A. Maybe Dave Taft -- David Taft, but I can't be for sure.</p> <p>16 Q. You were asked questions about this letter dated August</p> <p>17 1st to Chad Hayse from Lawrence Coogan saying:</p> <p>18 "Dear, Chief Hayse:</p> <p>19 On July 25th, 2016, I wrote a letter to</p> <p>20 you, requesting that you provide me all</p> <p>21 documents or writings regarding or concerning</p> <p>22 the alleged misconduct of Officer Furman. In</p> <p>23 addition, I requested the names and contact</p> <p>24 information of all persons and governmental</p> <p>25 agencies who have performed any investigation</p>
<p style="text-align: right;">Page 194</p> <p>1 age and gender; correct?</p> <p>2 A. Well, I believe that common sense and the totality of</p> <p>3 circumstances should come into play, and an officer</p> <p>4 needs to use discretion on whether or not they tow that</p> <p>5 vehicle is what I believe.</p> <p>6 MS. BALIAN: Can you repeat my question, please,</p> <p>7 John?</p> <p>8 (Record repeated by the reporter.)</p> <p>9 A. That's correct.</p> <p>10 MS. BALIAN: Where is the April 26th memo? Is it</p> <p>11 still here?</p> <p>12 MS. MARZOTTO TAYLOR: It should be.</p> <p>13 MS. BALIAN: Maybe it's still here.</p> <p>14 BY MS. BALIAN:</p> <p>15 Q. You testified, referring to Bates stamp document 1442,</p> <p>16 which is the April 26th, 2016 memo to Corporal Furman,</p> <p>17 that this was to get him to use common sense.</p> <p>18 Is that correct?</p> <p>19 A. To use common sense and discretion.</p> <p>20 Q. Correct me if I'm wrong, but the memo indicates that</p> <p>21 Furman is to contact the desk officer via radio the</p> <p>22 conditions which merit towing the vehicle, including</p> <p>23 driver gender, age, number of occupants, their ages,</p> <p>24 et cetera, and the supervisor will determine if the tow</p> <p>25 truck will be dispatched; correct?</p>	<p style="text-align: right;">Page 196</p> <p>1 and the names and contact information of all</p> <p>2 persons who are or were involved in the</p> <p>3 investigation of this matter.</p> <p>4 Upon receipt and review of what you've</p> <p>5 provided my office, there is no contact</p> <p>6 information listed of any other outside</p> <p>7 agencies, nor did you indicate who made contact</p> <p>8 or initiated any communication regarding this</p> <p>9 matter.</p> <p>10 Please provide the requested information</p> <p>11 forthwith."</p> <p>12 As of August 1st of 2016, do you know if Officer</p> <p>13 Furman had complained or lodged a complaint that he was</p> <p>14 being denied due process because he had not been</p> <p>15 informed in writing of why he had been suspended without</p> <p>16 pay?</p> <p>17 A. I'm unaware of any complaints lodged by Officer Furman.</p> <p>18 Q. So, you don't know?</p> <p>19 A. No.</p> <p>20 Q. And you testified that you and John Allen met with</p> <p>21 Furman about his suspension; correct?</p> <p>22 A. The day that he was suspended, he was called into the</p> <p>23 chief's office. I was present. John Allen was present.</p> <p>24 And I believe -- it might have been John Thompson, who</p> <p>25 was his union steward.</p>

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<p style="text-align: right;">Page 197</p> <p>1 Q. And was that the suspension with pay or without pay?</p> <p>2 A. With pay.</p> <p>3 Q. You said "with pay"?</p> <p>4 A. Yes.</p> <p>5 Q. What did you tell him?</p> <p>6 MS. MARZOTTO TAYLOR: Asked and answered.</p> <p>7 A. I -- I believe Lieutenant Allen was doing most of the</p> <p>8 talking. I was in the room. I remember telling him to</p> <p>9 get in contact with Chad Hayse on Monday. That's all I</p> <p>10 remember about it.</p> <p>11 BY MS. BALIAN:</p> <p>12 Q. Did you have any further contact with Furman about the</p> <p>13 suspension?</p> <p>14 A. This suspension in particular?</p> <p>15 No.</p> <p>16 Q. What about when it became without pay?</p> <p>17 A. He was suspended. He wasn't in the station. I had no</p> <p>18 contact with him.</p> <p>19 Q. Okay. Furman lodged a complaint with you regarding</p> <p>20 then-Lieutenant Easton sometime prior to 2016; correct?</p> <p>21 A. Furman lodged a complaint with me regarding Sergeant</p> <p>22 Easton?</p> <p>23 Q. Yes.</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall what he was complaining about?</p>	<p style="text-align: right;">Page 199</p> <p>1 MS. MARZOTTO TAYLOR: Sure.</p> <p>2 This one is for you.</p> <p>3 There you go.</p> <p>4 BY MS. BALIAN:</p> <p>5 Q. Do you recall your testimony that typically after</p> <p>6 Furman -- after corrective action would be taken against</p> <p>7 Furman regarding how he treated people during stops or</p> <p>8 the towing, that he would slow down his towing? And</p> <p>9 then Ms. Gordon's comments to you that, "Well, during</p> <p>10 his petulant moments, like in July, his towing went down</p> <p>11 to 40," and she was referring to this right here, July,</p> <p>12 where the tows went down to 40.</p> <p>13 A. Okay.</p> <p>14 Q. Furman wasn't working at all in the month of July,</p> <p>15 correct, because he was suspended?</p> <p>16 A. I don't -- I'm not sure of the days that he went off and</p> <p>17 when he came back. I don't know exact dates.</p> <p>18 Q. Well, if the documents indicate that that's when he was</p> <p>19 suspended, you don't have any reason to refute that, do</p> <p>20 you?</p> <p>21 A. If it says there were 40, I have no reason to doubt it.</p> <p>22 Q. I'm talking about the days of his suspension.</p> <p>23 If the documents indicate that he was suspended</p> <p>24 starting on July 5th of 2016 --</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 198</p> <p>1 A. He was complaining that Sergeant Easton was telling him</p> <p>2 not to tow cars, and that he was trying to give him busy</p> <p>3 work to stop him from doing traffic enforcement.</p> <p>4 Q. Was it busy work, or that he was sending him on every</p> <p>5 complaint that came in?</p> <p>6 A. I believe one of the complaints that he had was that</p> <p>7 Easton told him to visit every business in the city.</p> <p>8 Q. Do you recall Furman complaining that he had been sent</p> <p>9 alone on an assault complaint that came in, and it was a</p> <p>10 safety issue for him?</p> <p>11 A. I don't remember all the wording of his complaint. It</p> <p>12 was a few years ago.</p> <p>13 Q. Do you remember Furman complaining about that?</p> <p>14 MS. MARZOTTO TAYLOR: Asked and answered.</p> <p>15 A. Not at the moment, no, I don't.</p> <p>16 BY MS. BALIAN:</p> <p>17 Q. Did you do anything with Furman's complaint when it came</p> <p>18 in?</p> <p>19 A. I advised Chad Hayse.</p> <p>20 Q. Do you know if anything was done?</p> <p>21 A. I don't know the status of it, no.</p> <p>22 Q. Did you investigate "Snowgate"?</p> <p>23 A. No. I was not involved in it at all.</p> <p>24 MS. BALIAN: Do you have the Larry Jackson</p> <p>25 document?</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. -- and he was not reinstated until August, you don't</p> <p>2 have any reason to refute that, do you?</p> <p>3 A. No.</p> <p>4 Q. Were you ever an administrator for the Melvindale Police</p> <p>5 Department Facebook page?</p> <p>6 A. I had access to it, yes.</p> <p>7 Q. Okay. So, you could make posts on it?</p> <p>8 A. I could, yes.</p> <p>9 Q. Would you agree that, according to the rules and</p> <p>10 regulations of the police department, you were not</p> <p>11 permitted to post political opinions on the Melvindale</p> <p>12 Police Department website page?</p> <p>13 A. I do not recall what the exact wording of the policy is,</p> <p>14 but I would assume it would be frowned upon.</p> <p>15 Q. During your testimony, you've referenced -- you asked</p> <p>16 how long -- strike that.</p> <p>17 You were questioned about your suspension. You</p> <p>18 testified that you felt retaliated against for</p> <p>19 testifying and for writing up Officer Furman.</p> <p>20 What write-up of Officer Furman?</p> <p>21 A. The incidents with the excessive force which caused him</p> <p>22 to be suspended, which, in turn, caused the drop in</p> <p>23 revenue for the City.</p> <p>24 Q. What write-up are you talking about?</p> <p>25 A. I was involved with the Wielichowski incident and --</p>

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<p style="text-align: right;">Page 201</p> <p>1 Q. Wielichowski --</p> <p>2 A. -- with Crosslin.</p> <p>3 Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Those happened on my shift while I was present.</p> <p>6 Q. You wrote him up regarding Crosslin?</p> <p>7 A. I was a supervisor on duty that day. And, yes, that</p> <p>8 paperwork did start with me when I had the other</p> <p>9 officers do letters on that.</p> <p>10 Q. Okay. But how did you write up Furman?</p> <p>11 You testified that you wrote him up.</p> <p>12 A. I was a supervisor on duty.</p> <p>13 Those officers brought those issues to my</p> <p>14 attention.</p> <p>15 I informed them to do letters on that, which, in</p> <p>16 turn, caused him to be suspended.</p> <p>17 Q. Okay. But did you write him up?</p> <p>18 A. Did I produce a document? No. That normally doesn't</p> <p>19 always happen.</p> <p>20 Q. Okay. So, you didn't write up Officer Furman in July of</p> <p>21 2016?</p> <p>22 A. Did I generate the documents? No. I put them -- put</p> <p>23 the situation into motion.</p> <p>24 Q. Did Chad Hayse ever do evaluations on the officers?</p> <p>25 Annual evaluations of any kind?</p>	<p style="text-align: right;">Page 203</p> <p>1 I don't remember his last name. He's the POLC</p> <p>2 attorney.</p> <p>3 Q. Larry Coogan didn't have a vote regarding Chad Hayse's</p> <p>4 termination, did he; if you know?</p> <p>5 A. I don't believe so, no.</p> <p>6 Q. And he didn't have any vote regarding terminating you or</p> <p>7 suspending you; correct?</p> <p>8 A. No.</p> <p>9 Q. Did Chad Hayse ever tell you that the mayor was having a</p> <p>10 romantic relationship with Mike Goch?</p> <p>11 A. No, he did not.</p> <p>12 Q. You were asked questions about whether city council had</p> <p>13 a predetermined decision to remove Chad Hayse at the</p> <p>14 removal hearing.</p> <p>15 Did you have any discussions with any of the city</p> <p>16 council members whether they had a predetermined</p> <p>17 decision to remove Chad Hayse prior to the removal</p> <p>18 hearing?</p> <p>19 A. No. I spoke to no one on the city council.</p> <p>20 Q. Do you have any knowledge of Chad Hayse embezzling money</p> <p>21 from the City?</p> <p>22 A. No.</p> <p>23 Q. Do you have any knowledge of Chad Hayse meeting with</p> <p>24 Gasper Fiore?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 202</p> <p>1 A. I'm not sure if we did them annually.</p> <p>2 I know while Rick Cadez was chief, we did annual</p> <p>3 evaluations for a couple years, and then they stopped.</p> <p>4 I don't recall them taking place with Chad Hayse.</p> <p>5 Q. Who is Jason Ortiz?</p> <p>6 A. Jason Ortiz used to sit on the Safety Commission.</p> <p>7 Q. For what time period?</p> <p>8 A. I don't --</p> <p>9 Q. You said he "used to sit."</p> <p>10 When did he --</p> <p>11 A. He -- I think he left maybe seven, eight months ago. I</p> <p>12 heard he moved. I don't know the dates.</p> <p>13 Q. Was he on the Public Safety Commission at the time you</p> <p>14 were suspended?</p> <p>15 A. Yes.</p> <p>16 Q. You were represented by an attorney for your trial</p> <p>17 board; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And was that a personal attorney or the union attorney?</p> <p>20 A. Union attorney.</p> <p>21 Q. And who was that?</p> <p>22 A. First name is Brennan.</p> <p>23 I don't remember his last name.</p> <p>24 Q. Brennan?</p> <p>25 A. Brennan. B-r-e-n-n-a-n, I believe, it's spelled.</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Has he ever been into the station?</p> <p>2 A. I think he attended one of our auctions before and</p> <p>3 bought a couple cars years ago. I met him once at that</p> <p>4 one auction, but that's the only time I've ever seen</p> <p>5 him.</p> <p>6 Q. Have you ever been to Paul Ott's property up north?</p> <p>7 A. Yes, on accident. We've got a family cottage in</p> <p>8 Houghton Lake, and come to find out we were driving</p> <p>9 around Lake James, which is right next door to Houghton</p> <p>10 Lake. My wife and I were looking at cottages. And when</p> <p>11 we were driving around the lake, I saw a Goch & Sons tow</p> <p>12 truck -- not a tow truck, but it's a super duty with a</p> <p>13 Goch -- Gene's Towing -- I'm sorry.</p> <p>14 Q. Yeah, you said "Goch & Sons."</p> <p>15 A. -- emblem. Yeah. A Gene's Towing emblem on the door,</p> <p>16 and I slowed down, and I saw it was Paul in his garage.</p> <p>17 And I stopped and said "hello" for about 5 minutes, and</p> <p>18 I continued on my way.</p> <p>19 Q. Do you know if Chad Hayse has ever been up to Paul Ott's</p> <p>20 property?</p> <p>21 A. No.</p> <p>22 MS. BALIAN: I don't have any other questions at</p> <p>23 this point.</p> <p>24 MS. MARZOTTO TAYLOR: Okay. So, I need about</p> <p>25 5 minutes.</p>

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<p style="text-align: right;">Page 205</p> <p>1 (Short recess at 3:26 p.m.)</p> <p>2 * * *</p> <p>3 (Record resumed at 3:41 p.m.)</p> <p>4 * * *</p> <p>5 RE-EXAMINATION</p> <p>6 BY MS. MARZOTTO TAYLOR:</p> <p>7 Q. So, I'm going to take you back to your testimony on</p> <p>8 August 29th, and the letter that you wrote to the Public</p> <p>9 Safety Commission in September of 2016.</p> <p>10 So, why don't we just get those pages out and go</p> <p>11 through them.</p> <p>12 Okay. So, you've already testified today that at</p> <p>13 the time you wrote this letter, which is, you know, the</p> <p>14 letter in Exhibit 1, you had not seen or read or heard</p> <p>15 back your testimony on August 29th?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Okay. So, I'm going to direct your attention to</p> <p>18 page 145 of our version of your testimony.</p> <p>19 Okay. So, specifically, line 7:</p> <p>20 "Question: Lieutenant, have you ever heard</p> <p>21 me make disparaging remarks regarding any public</p> <p>22 official, appointed official or Mike Goch from</p> <p>23 Goch & Sons Towing?"</p> <p>24 Your answer starts at line 10:</p> <p>25 "Answer: We've had personal conversation</p>	<p style="text-align: right;">Page 207</p> <p>1 you:</p> <p>2 "I was asked if Chief Hayse had ever said</p> <p>3 anything negative about Mike Goch. The answer</p> <p>4 to that question is yes."</p> <p>5 Isn't it true that you had already admitted on</p> <p>6 page 145 that there were negative things that were said</p> <p>7 about -- between you and Chief Hayse about Mike Goch?</p> <p>8 A. Yes, in private.</p> <p>9 Q. And you had already admitted that. That was your sworn</p> <p>10 testimony?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Now I want to draw your attention to the -- to</p> <p>13 the wording, to the language that was used in these two</p> <p>14 statements.</p> <p>15 The mayor says that you were asked if Chief Hayse</p> <p>16 had ever said anything negative about Mike Goch.</p> <p>17 Okay. Dictionary definition of "Negative": "Not</p> <p>18 desirable or optimistic."</p> <p>19 Isn't it true that, on page 145, you testified</p> <p>20 under oath that you and Chief Hayse had had private</p> <p>21 conversations just between the two of you where you</p> <p>22 discussed information or your opinions or beliefs about</p> <p>23 the contract that were not desirable or optimistic?</p> <p>24 A. That is true.</p> <p>25 Q. Okay. Dictionary definition of "Derogatory": "Showing</p>
<p style="text-align: right;">Page 206</p> <p>1 in regards to the way the tow contract has been</p> <p>2 warranted but no personal attacks in front of</p> <p>3 anybody else. In personal conversation, yes."</p> <p>4 A. Yes, that's what that says.</p> <p>5 Q. Okay. So, moving forward to pages 149 and 150, a</p> <p>6 question about the personal conversations that you</p> <p>7 referenced at 145 comes up again; in this personal</p> <p>8 conversation that you had, did you say derogatory</p> <p>9 things?</p> <p>10 You had already stated or admitted under oath that</p> <p>11 you had conversations with Chad that were critical of</p> <p>12 Mike Goch and Goch & Sons; isn't that correct?</p> <p>13 A. That is correct, yes.</p> <p>14 Q. Okay. So, you also note -- okay. So, we're still on</p> <p>15 page 149, starts at line 23:</p> <p>16 "Question: And did -- in this personal</p> <p>17 conversation that you say you had with the</p> <p>18 chief in regards to Goch & Sons, did he say</p> <p>19 any derogatory things about Goch & Sons?"</p> <p>20 Okay. Turning then to the letter that you wrote to</p> <p>21 the Public Safety Commission without having had the</p> <p>22 chance to read your testimony or hear it back in context</p> <p>23 or in any completeness, you state that you were asked --</p> <p>24 well, the mayor tells you -- the mayor is trying to</p> <p>25 isolate the lie you allegedly told and the mayor says to</p>	<p style="text-align: right;">Page 208</p> <p>1 a disrespectful attitude, disparaging, demeaning."</p> <p>2 In those personal conversations that are referenced</p> <p>3 on page 145 and page 149, did Chad Hayse ever say</p> <p>4 anything that was disrespectful, disparaging or</p> <p>5 demeaning about Mike Goch or Goch & Sons Towing?</p> <p>6 A. I believe that most of the conversation that we had in</p> <p>7 regards to Mike Goch was trying to iron out our</p> <p>8 differences of opinion with the contract and the fees</p> <p>9 that we were charging people that we didn't believe that</p> <p>10 we should.</p> <p>11 Q. Is your opinion or is Chad Hayse's opinion or your</p> <p>12 opinion about the -- the fee schedule and whether or not</p> <p>13 that's an appropriate fee schedule, is it disrespectful,</p> <p>14 disparaging or demeaning to air those kinds of</p> <p>15 critiques?</p> <p>16 A. I wouldn't think so.</p> <p>17 It's an opinion.</p> <p>18 Q. Okay.</p> <p>19 A. It's a feeling about something.</p> <p>20 Q. Okay. Is it disrespectful to question the fee schedule</p> <p>21 of a city contractor?</p> <p>22 A. No.</p> <p>23 Q. Okay. And does -- does what you said on page 149, where</p> <p>24 this personal conversation is referenced, does that not</p> <p>25 track back to page 145 where you stated "we've had</p>

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<p style="text-align: right;">Page 209</p> <p>1 personal conversations?"</p> <p>2 A. That did reiterate that we did have personal</p> <p>3 conversations in regard to Goch & Sons.</p> <p>4 Q. The question on page 149 is made with specific reference</p> <p>5 to the personal conversation or conversations that were</p> <p>6 referenced in 145?</p> <p>7 A. I would assume that that's what that person is asking me</p> <p>8 about, about the question I had just been asked prior,</p> <p>9 yes.</p> <p>10 Q. So, you admitted under oath that Chad said things that</p> <p>11 he -- that Chad stated to you in private that he found</p> <p>12 that there were things that were not desirable or</p> <p>13 optimistic about the fee schedule?</p> <p>14 A. That's --</p> <p>15 Q. You admitted that under oath?</p> <p>16 A. That's correct.</p> <p>17 Q. Is there a lie here, Lieutenant Welch?</p> <p>18 A. I don't believe so. Because, I mean, I misstated "no"</p> <p>19 instead of "yes" in one instance, and a couple questions</p> <p>20 earlier I state what happened. And then before, even</p> <p>21 seeing a record of my testimony, I stated it again in my</p> <p>22 written statement.</p> <p>23 Q. So, do you feel that your testimony -- across the board,</p> <p>24 your testimony on August 29th is consistent with the</p> <p>25 picture that you are giving to the Public Safety</p>	<p style="text-align: right;">Page 211</p> <p>1 28th?</p> <p>2 A. Once the incident escalated to the point where he saw</p> <p>3 the need to use physical force, once he effected that</p> <p>4 force, that person should have been arrested.</p> <p>5 Q. Do you believe that Furman was justified in putting his</p> <p>6 hands on that woman that day?</p> <p>7 A. No.</p> <p>8 MS. BALIAN: Objection. Calls for speculation. He</p> <p>9 wasn't there.</p> <p>10 A. I don't believe that he should have put his hands on</p> <p>11 her, no. I believe it could have been resolved other</p> <p>12 ways.</p> <p>13 BY MS. MARZOTTO TAYLOR:</p> <p>14 Q. Okay. And then we are going to look at the April 26th</p> <p>15 memo, which I think you might have in front of you</p> <p>16 already.</p> <p>17 A. The one from Chad Hayse?</p> <p>18 Q. Yeah.</p> <p>19 So, this is the memo.</p> <p>20 A. Oh, okay. All right.</p> <p>21 Q. Okay. Can I just see that real quickly?</p> <p>22 A. Sure.</p> <p>23 Q. This is produced by the City, 1442.</p> <p>24 Having been involved with the -- with the</p> <p>25 background on this issue, as you were, how would this</p>
<p style="text-align: right;">Page 210</p> <p>1 Commission --</p> <p>2 A. Yes.</p> <p>3 Q. -- later in September?</p> <p>4 A. Yes.</p> <p>5 I never saw this document, and I don't -- I wasn't</p> <p>6 able to review it. I didn't see it, and I wrote this</p> <p>7 out of what I remembered from my testimony and my</p> <p>8 opinion and my feelings about the allegations that were</p> <p>9 made against me.</p> <p>10 Q. Do you believe that you were untruthful at any time?</p> <p>11 A. No. It was never my intent to be untruthful about</p> <p>12 anything.</p> <p>13 Q. Okay. Okay. So, going back in time, then, to April of</p> <p>14 2016, okay, the Cecilia Wielichowski -- somebody help me</p> <p>15 out here -- incident.</p> <p>16 A. Yeah. I'm familiar with it.</p> <p>17 Q. Okay. Okay.</p> <p>18 Okay. So, here is Chad Hayse's write-up, and that</p> <p>19 is Bates -- produced by the City, 1440. And here is,</p> <p>20 then-Corporal Furman's explanation of his perspective</p> <p>21 about what happened, 1448, also produced by the City.</p> <p>22 Okay. So, you got some questions about this from</p> <p>23 opposing counsel.</p> <p>24 As a long-serving police lieutenant and a command</p> <p>25 officer, what did Matthew Furman do wrong on February</p>	<p style="text-align: right;">Page 212</p> <p>1 memo help Furman develop and apply what you called</p> <p>2 "common sense" on an everyday basis?</p> <p>3 A. The intent of the letter was to get him to stop and</p> <p>4 think about what he was doing before he did it and not</p> <p>5 be a robot and just randomly just do things.</p> <p>6 I wanted to try and teach him to use some</p> <p>7 discretion and -- you know, and I think I stated before,</p> <p>8 just because you can, doesn't always mean you should.</p> <p>9 I've counseled him repeatedly on use of discretion,</p> <p>10 and he normally did not listen or he would kind of</p> <p>11 comply for a little while and then go off and do</p> <p>12 whatever he wanted.</p> <p>13 Q. Okay. And as Counsel pointed out, that memo states that</p> <p>14 the supervisor, whoever is, you know, on duty at the</p> <p>15 time, that supervisor is going to be deciding to make</p> <p>16 the tow.</p> <p>17 A. Right.</p> <p>18 Q. How would talking through those steps with that</p> <p>19 supervisor and observing that supervisor's</p> <p>20 decision-making process, how would that help Matt</p> <p>21 Furman?</p> <p>22 A. If Matt Furman knew that he had to run it by the</p> <p>23 supervisor, it would cause him to stop and think for a</p> <p>24 couple minutes, and then maybe decide whether or not he</p> <p>25 should do what he was going to do to begin with.</p>

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<p style="text-align: right;">Page 213</p> <p>1 So, if he was towing a vehicle that shouldn't have 2 been towed and he knew it, he probably wouldn't contact 3 the supervisor and ask to do it. 4 Q. Because he wouldn't be able to justify it to the 5 supervisor? Is that what you mean? 6 A. Yes. 7 Q. Okay. 8 A. So, it was an effort to try and get him to think while 9 he was working about what is the right thing to do and 10 what is the best thing to do. 11 Q. And you thought this teaming aspect would get him there? 12 A. This was an attempt to help him, not hurt him. 13 Q. Okay. Did Richard Ortiz have a role to play in the 14 contract negotiation process? 15 A. Rich Ortiz is the guy that controls the money. He's the 16 city administrator. And probably he would have some 17 influence in recommending whether or not the City would 18 be able to afford certain provisions in a contract, 19 whether it be wages, benefits or whatnot. He would have 20 that knowledge, and he would give his advice to the city 21 council on whether or not whatever contract proposal was 22 a good idea or not. 23 Q. So, to go back to your testimony, you said that Ortiz's 24 comment was something to the effect of, "If you keep the 25 towing and ticket numbers up, I can justify a raise to</p>	<p style="text-align: right;">Page 215</p> <p>1 Q. Okay. You were asked some questions about -- and you 2 gave some testimony that a party store -- a local party 3 store gave some food to the police department. 4 Was that party store a City contractor at the time 5 when they gave you the food -- the police department the 6 food? 7 A. No. 8 Q. Okay. 9 A. No. There's a party store called Tomboys in town. 10 Occasionally, they will send pizza. 11 THE REPORTER: I'm sorry. "-- called --" 12 A. Tomboys, T-o-m-b-o-y-s. 13 Occasionally they will send a couple pizzas or some 14 fried chicken over for the guys to eat. 15 BY MS. MARZOTTO TAYLOR: 16 Q. Does Tomboys giving that kind of donation to the police 17 department have the same implications as a municipal 18 contractor whose financial fate is directly tied with 19 the police department's productivity giving a gift? 20 Do those two circumstances have the same 21 implications, ethical implications, to you? 22 A. You would think that if -- if that person giving you 23 that had a direct financial benefit, that the situation 24 would be a little bit different than just a store in the 25 neighborhood, you know, bringing us something over on a</p>
<p style="text-align: right;">Page 214</p> <p>1 council?" 2 A. He -- yeah. He said, "I may be able to justify getting 3 you guys a raise." 4 Q. And so putting that comment together with what you just 5 told us that you understand about his role, you 6 understood that if the towing and ticket revenues were 7 up, he could more easily say to the City, "Yes, we can 8 afford to pay the police officers more." 9 Is that what you understood? 10 A. Yes. 11 And at that time, I don't believe I had a raise for 12 about ten years, and he would be the one to tell the 13 city council whether or not we could afford to give any 14 raises out. 15 Q. And do you believe that the city council acted upon his 16 guidance -- 17 MS. BALIAN: Objection. 18 BY MS. MARZOTTO TAYLOR: 19 Q. -- as a subject-matter expert? 20 MS. BALIAN: Objection. Lack of foundation. 21 BY MS. MARZOTTO TAYLOR: 22 Q. To your understanding? 23 A. Well, from what I understand, he has direct knowledge of 24 the City's finances, so he would be able to give his 25 opinion on whether or not we could afford it.</p>	<p style="text-align: right;">Page 216</p> <p>1 holiday or something like that. 2 It's -- there's a lot more involved. 3 Q. So, there were different ethical considerations involved 4 in Goch giving a sizeable donation or food -- 5 MS. BALIAN: Objection. There's been no testimony 6 about a sizeable donation. 7 BY MS. MARZOTTO TAYLOR: 8 Q. -- to the police department than, you know, the party 9 store across the street giving you guys some fried 10 chicken? 11 Those are two very different circumstances with 12 different ethical considerations involved? 13 A. Yeah. I think the circumstances are a little bit 14 different. 15 Q. Let's see here. 16 Do you believe that your -- and I'll use your 17 words -- "putting things in motion" to discipline 18 Matthew Furman on various occasions in 2016 led to your 19 trial board and ultimate suspension? 20 A. It had a large influence upon it, yes. 21 Q. Okay. And what was that influence? 22 Why would your putting things in motion to 23 discipline Furman lead to you being -- lead to the call 24 for your termination? 25 A. Well, if Matt Furman is suspended, he's not out towing</p>

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<p style="text-align: right;">Page 217</p> <p>1 cars, and he's not making revenue for the City. And if</p> <p>2 I was one of the causes of that to happen, then I</p> <p>3 believe that's why the City came after me.</p> <p>4 Q. Okay. You were asked a question about why you didn't</p> <p>5 FOIA the transcript of your testimony in between</p> <p>6 receiving the notification of your trial board and the</p> <p>7 trial board actually taking place.</p> <p>8 Is your chain of command responsible under your</p> <p>9 contract for giving you notice of specifically why</p> <p>10 you're going to be disciplined?</p> <p>11 It that an obligation that your chain of command</p> <p>12 has?</p> <p>13 A. That they would tell me why we were disciplined?</p> <p>14 Q. That they would tell you why you were about to be</p> <p>15 disciplined.</p> <p>16 Is it your responsibility to figure out why you're</p> <p>17 being disciplined, or is that the City's responsibility</p> <p>18 to tell you?</p> <p>19 A. It would be the City's responsibility to tell me. It's</p> <p>20 not mine.</p> <p>21 MS. MARZOTTO TAYLOR: Okay. I think I have no more</p> <p>22 questions.</p> <p>23 MS. BALIAN: Okay. I have questions.</p> <p>24 * * *</p> <p>25 RE-EXAMINATION</p>	<p style="text-align: right;">Page 219</p> <p>1 motion relative to the discipline of Matt Furman.</p> <p>2 Why is it you believe that rather than what's</p> <p>3 listed in this document, considering there were three</p> <p>4 officers that testified at the Hayse removal hearing</p> <p>5 that they heard you and Chad Hayse testify about telling</p> <p>6 officers not to tow vehicles, calling the mayor names,</p> <p>7 et cetera?</p> <p>8 A. If they said that, I believe they're being untruthful.</p> <p>9 Q. Okay. That wasn't my question.</p> <p>10 MS. BALIAN: Can you repeat my question please,</p> <p>11 John?</p> <p>12 THE REPORTER: Yes. One second, please.</p> <p>13 (Record repeated by the reporter.)</p> <p>14 A. I believe we've already touched on that, and I stated</p> <p>15 earlier that myself or Chad Hayse has never told anyone</p> <p>16 not to tow vehicles. And that any discussions that we</p> <p>17 ever had were in private and not in front of other</p> <p>18 people for them to hear.</p> <p>19 BY MS. BALIAN:</p> <p>20 Q. I understand that's your testimony.</p> <p>21 There were three officers that testified</p> <p>22 contradictory to that.</p> <p>23 So, my question to you is, you're saying that's not</p> <p>24 why I was suspended or why they're coming after me. The</p> <p>25 real reason is because of my suspension or putting</p>
<p style="text-align: right;">Page 218</p> <p>1 BY MS. BALIAN:</p> <p>2 Q. Can you pull out Exhibit 1, please?</p> <p>3 I think it's in here.</p> <p>4 Can you turn to the page right after that?</p> <p>5 You just said it was the City's responsibility to</p> <p>6 inform you of why you're being disciplined; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. The top paragraph right here, the last line says:</p> <p>9 "The reason for discipline is including,</p> <p>10 but not limited to, the following:"</p> <p>11 And it lists those; correct?</p> <p>12 A. Yes. That's the document that they served me.</p> <p>13 Q. Okay. And it's signed by Jeff Bolton; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And he's the chairman of the Public Safety Commission?</p> <p>16 A. Yes.</p> <p>17 Q. And it's dated September 7th of 2016; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that's a week before your trial board; correct?</p> <p>20 A. Yes.</p> <p>21 Q. So, they informed you of the reasons for your</p> <p>22 discipline; correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you testified just now that you believe the</p> <p>25 reason for your discipline was because you put things in</p>	<p style="text-align: right;">Page 220</p> <p>1 things in motion of Matt Furman.</p> <p>2 So, my question to you is, considering there was</p> <p>3 contradictory testimony to what you testified to by</p> <p>4 three officers at the Hayse removal hearing, what</p> <p>5 evidence do you have that the reason that they came</p> <p>6 after you was because you put in motion this Matt Furman</p> <p>7 discipline?</p> <p>8 A. That's what I believe.</p> <p>9 Q. Okay. Do you believe that if officers -- three officers</p> <p>10 testified contradictory to you at the Chad Hayse removal</p> <p>11 hearing that you and Hayse told officers not to impound</p> <p>12 vehicles, that the City has to consider that and look</p> <p>13 into it?</p> <p>14 MS. MARZOTTO TAYLOR: Speculation. Form. Lack of</p> <p>15 foundation.</p> <p>16 A. I guess they could look at it, but I know it's not true.</p> <p>17 BY MS. BALIAN:</p> <p>18 Q. And if there was also testimony from officers that you</p> <p>19 and Chad Hayse referred to the mayor in disparaging</p> <p>20 terms, that the City needs to look into it?</p> <p>21 MS. MARZOTTO TAYLOR: Lack of foundation.</p> <p>22 BY MS. BALIAN:</p> <p>23 Q. You can answer.</p> <p>24 A. I guess they can look into it, but it's not true.</p> <p>25 Q. Okay. And if they determined that there was testimony</p>

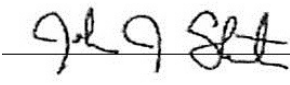
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<p style="text-align: right;">Page 221</p> <p>1 given by you at the removal hearing that is</p> <p>2 contradictory to what you put in your response to this,</p> <p>3 that's certainly relevant and important to the City;</p> <p>4 correct?</p> <p>5 MS. MARZOTTO TAYLOR: Speculation. Lack of</p> <p>6 foundation.</p> <p>7 BY MS. BALIAN:</p> <p>8 Q. Whether it was intentional or not intentional?</p> <p>9 A. I would think so. They can look at it, but I know what</p> <p>10 I know. I know what the truth is.</p> <p>11 Q. Who supervises the police officers?</p> <p>12 A. The -- which -- there's the chief, then there's the</p> <p>13 lieutenants that oversee a shift, and there's a sergeant</p> <p>14 on each shift that works on the road with the road</p> <p>15 patrol officers.</p> <p>16 Q. And who oversees the police department?</p> <p>17 A. Safety Commission.</p> <p>18 Q. Okay. So, Rich Ortiz doesn't have anything to do with</p> <p>19 any of that, does he?</p> <p>20 MS. MARZOTTO TAYLOR: Form.</p> <p>21 A. No.</p> <p>22 MS. MARZOTTO TAYLOR: Any of what?</p> <p>23 MS. BALIAN: Okay.</p> <p>24 MS. MARZOTTO TAYLOR: Any of what?</p> <p>25 MS. BALIAN: Supervising the police officers or</p>	<p style="text-align: right;">Page 223</p> <p>1 what's marked as Exhibit 1?</p> <p>2 A. The letter for the deposition, a copy of the subpoena,</p> <p>3 and there's a check for mileage.</p> <p>4 Q. Do you have any other documents relative to the</p> <p>5 Complaint for your Suspension, Demotion and/or</p> <p>6 Termination that you have?</p> <p>7 A. No. This is everything that I brought with me.</p> <p>8 They made copies of the items that were entered</p> <p>9 into evidence.</p> <p>10 Q. Okay. Have you talked to anyone else about your</p> <p>11 testimony here today?</p> <p>12 A. I spoke with Chad Hayse on a break.</p> <p>13 Q. And what did you talk about?</p> <p>14 A. We talked about the -- how everything was coming along.</p> <p>15 Q. And what did you say?</p> <p>16 A. It seemed like it was going okay.</p> <p>17 Q. Did you review any documents prior to testifying today?</p> <p>18 A. I reviewed the documents that were entered into evidence</p> <p>19 today. I looked at them last night.</p> <p>20 Q. By "the documents that were entered into evidence," do</p> <p>21 you mean Exhibit 1?</p> <p>22 A. Yes. I looked at those documents yesterday before I</p> <p>23 went to bed.</p> <p>24 Q. Okay. Didn't review anything else?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 222</p> <p>1 overseeing the police department.</p> <p>2 MS. MARZOTTO TAYLOR: Okay.</p> <p>3 MS. BALIAN: Did you not understand my questions?</p> <p>4 MS. MARZOTTO TAYLOR: I didn't.</p> <p>5 MS. BALIAN: Okay. He seemed to, and that's really</p> <p>6 all I care about.</p> <p>7 BY MS. BALIAN:</p> <p>8 Q. So, when you say that he probably could influence</p> <p>9 regarding raises, so Rich Ortiz has a responsibility to</p> <p>10 the city council to report the finances of the City; is</p> <p>11 that fair?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you don't have any evidence whatsoever that</p> <p>14 he influenced city council regarding giving raises or no</p> <p>15 raises whatsoever of the police officers; correct?</p> <p>16 A. No. I just remember the statement that he had made at</p> <p>17 the front desk.</p> <p>18 Q. What time did you arrive here to the office of Deb</p> <p>19 Gordon this morning?</p> <p>20 A. About 9:30.</p> <p>21 Q. Who did you talk to once you got here?</p> <p>22 A. I spoke briefly with Deb Gordon and Liz.</p> <p>23 Q. What did you talk about?</p> <p>24 A. We talked about the documents that I brought.</p> <p>25 Q. Did you bring any other documents with you other than</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. Have you consistently been in contact with Chad Hayse</p> <p>2 since his removal?</p> <p>3 A. We talk or text occasionally.</p> <p>4 We met up for -- at Andiamo's in Dearborn before</p> <p>5 Christmas, and Chad and our wives and I -- Chad and our</p> <p>6 wives went to Greenfield Village for the holiday nights.</p> <p>7 That was the last time I had seen him.</p> <p>8 Q. So, it's fair to say you're personal friends with Chad?</p> <p>9 A. Yes, we are friends.</p> <p>10 Q. How long have you had a personal friendship with him?</p> <p>11 A. Twenty years.</p> <p>12 Q. Is it also fair to say you did not want him to be</p> <p>13 terminated?</p> <p>14 A. No, I did not want him to be terminated.</p> <p>15 Q. Were you under oath at the time of your trial board?</p> <p>16 A. I do not believe so, no.</p> <p>17 Q. You weren't sworn in?</p> <p>18 A. No.</p> <p>19 Q. Witnesses were called; correct?</p> <p>20 A. No.</p> <p>21 Q. John Allen wasn't called as a witness?</p> <p>22 A. I'm sorry. He came in briefly, but no one else</p> <p>23 testified in that matter.</p> <p>24 Q. So, there was testimony taken?</p> <p>25 A. Yes. John Allen came in for a couple minutes.</p>

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<p style="text-align: right;">Page 225</p> <p>1 Q. And you don't believe they were sworn in?</p> <p>2 A. No, I don't believe so.</p> <p>3 I believe Mr. Coogan said that this was going to be</p> <p>4 an informal hearing at the beginning.</p> <p>5 Q. And did you provide testimony?</p> <p>6 A. I read this form, and I answered questions that were</p> <p>7 posed to me by the Safety Commission.</p> <p>8 Q. Okay. Did you record it?</p> <p>9 A. No.</p> <p>10 MS. BALIAN: I don't have any other questions.</p> <p>11 MS. MARZOTTO TAYLOR: Okay. Just a couple</p> <p>12 follow-ups.</p> <p>13 * * *</p> <p>14 RE-EXAMINATION</p> <p>15 BY MS. MARZOTTO TAYLOR:</p> <p>16 Q. Turning your attention back to Exhibit 1 -- the pages</p> <p>17 have gotten out of order, so --</p> <p>18 A. I've got it right here.</p> <p>19 Q. Can you flip it?</p> <p>20 A. Okay.</p> <p>21 Q. So, page 2 of Exhibit 1.</p> <p>22 On page 2 of Exhibit 1, you are accused in</p> <p>23 paragraph 2 of:</p> <p>24 "Lying to Mayor and City Council at a</p> <p>25 public hearing --"</p>	<p style="text-align: right;">Page 227</p> <p>1 public.</p> <p>2 Q. So, they went into closed session and then went back on</p> <p>3 the record?</p> <p>4 A. Yes.</p> <p>5 MS. MARZOTTO TAYLOR: Okay. That's it.</p> <p>6 MS. BALIAN: No more.</p> <p>7 (Deposition concluded at 4:15 p.m.)</p> <p>8 * * *</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 226</p> <p>1 Does this document tell you what that lie was?</p> <p>2 A. No.</p> <p>3 Q. Okay. And there was some testimony just now about three</p> <p>4 individuals who gave testimony at the August 29th and</p> <p>5 30th termination proceeding, and their -- the testimony</p> <p>6 of those three individuals was contradictory to your</p> <p>7 own.</p> <p>8 Were you ever told why the Public Safety</p> <p>9 Commission, Lawrence Coogan, various other city</p> <p>10 officials found those three individuals more credible</p> <p>11 than yourself?</p> <p>12 A. No. I -- I don't know why they considered them more</p> <p>13 credible.</p> <p>14 Q. Okay. So, your trial board in September 2016, you said</p> <p>15 earlier that there was someone there from the City who</p> <p>16 was taking notes.</p> <p>17 Was that trial board recorded by the Public Safety</p> <p>18 Commission? Was there an audio recording made of that?</p> <p>19 A. I don't believe, because after the hearing was over,</p> <p>20 then it was open to the public and they went back on the</p> <p>21 record.</p> <p>22 Q. Okay. So, to clarify, this was a closed session of a</p> <p>23 previously scheduled Public Safety Commission meeting?</p> <p>24 A. No. This was a special -- this was at the end of a</p> <p>25 Safety Commission meeting, and it was closed to the</p>	<p style="text-align: right;">Page 228</p> <p>1 STATE OF MICHIGAN)</p> <p>2 COUNTY OF OAKLAND)</p> <p>3 CERTIFICATE OF NOTARY PUBLIC</p> <p>4 I do hereby certify that the witness, whose</p> <p>5 attached testimony was taken in the above matter, was</p> <p>6 first duly sworn to tell the truth; the testimony</p> <p>7 contained herein was reduced to writing in the presence</p> <p>8 of the witness by means of stenography; afterwards</p> <p>9 transcribed; and is a true and complete transcript of</p> <p>10 the testimony given.</p> <p>11 I further certify that I am not connected by blood</p> <p>12 or marriage with any of the parties; their attorneys or</p> <p>13 agents; and that I am not interested, directly or</p> <p>14 indirectly, in the matter of controversy.</p> <p>15 In witness whereof, I have hereunto set my hand</p> <p>16 this day at Highland, Michigan, County of Oakland, State</p> <p>17 of Michigan on Friday, March 30, 2018.</p> <p>18 </p> <p>19 _____</p> <p>20</p> <p>21 John J. Slatin, RPR, CSR-5180</p> <p>22 Certified Shorthand Reporter</p> <p>23 Notary Public, Oakland County, Michigan</p> <p>24 My commission expires: July 25, 2023</p> <p>25</p>